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ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 249

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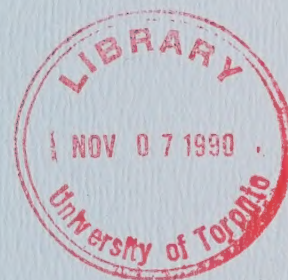
BEFORE:

A. KOVEN

Chairman

E. MARTEL

Member




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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the
Honourable Jim Bradley, Minister of the
Environment, requiring the Environmental
Assessment Board to hold a hearing with
respect to a Class Environmental
Assessment (No. NR-AA-30) of an
undertaking by the Ministry of Natural
Resources for the activity of timber
management on Crown Lands in Ontario.

Hearing held at the offices of the Ontario
Highway Transport Commission, Britannica
Building, 151 Bloor Street West, 10th Floor,
Toronto, Ontario, on Wednesday, October 24th,
1990, commencing at 9:00 a.m.

VOLUME 249

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	
MS. C. BLASTORAH)	MINISTRY OF NATURAL
MS. K. MURPHY)	RESOURCES
MR. B. CAMPBELL)	
MS. J. SEABORN)	MINISTRY OF ENVIRONMENT
MS. B. HARVIE)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRIES
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
MR. H. TURKSTRA	ENVIRONMENTAL ASSESSMENT BOARD
MR. E. HANNA)	ONTARIO FEDERATION OF
DR. T. QUINNEY)	ANGLERS & HUNTERS
MR. D. HUNTER)	NISHNAWBE-ASKI NATION
MS. N. KLEER)	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
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MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES)	ASSOCIATION
MR. R. EDWARDS)	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION

APPEARANCES: (Cont'd)

MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD)	
MR. J.W. ERICKSON, Q.C.)		RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK)	MUNICIPAL COMMITTEE
MR. D. SCOTT)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR)	ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL)	GREAT LAKES FOREST
MR. S.M. MAKUCH)	
MR. J. EBBS		ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
MR. D. KING		VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. D. COLBORNE)	GRAND COUNCIL TREATY #3
MS. S.V. BAIR-MUIRHEAD)	
MR. R. REILLY		ONTARIO METIS & ABORIGINAL ASSOCIATION
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MR. G.J. KINLIN		DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC		MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES		ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI		BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY

APPEARANCES: (Cont'd)

MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

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I N D E X O F E X H I B I T S

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1478	Mississagi Waterway Provincial Park, AOC map for Schulman and Parrot Townships, Peshu Lake CMU, 1990-95.	44822
1479	Blow-up of photo No. 8 in Exhibit 1435 depicting the Mississagi River Waterways Park.	44881
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1482	Blind River District timber management planning material for 1990-2010.	45003

1 ---Upon commencing at 9:00 a.m.

2 MADAM CHAIR: Please be seated.

3 MS. BLASTORAH: Mrs. Koven, if I may, I
4 neglected to file a package of interrogatories at the
5 end of the day yesterday and Mr. Lindgren agreed to
6 allow me do that first thing this morning.

7 MADAM CHAIR: Go ahead, Ms. Blastorah

8 MS. BLASTORAH: These relate to Mr.
9 Tunnickliffe's evidence and they are interrogatories
10 filed by the Ministry of Natural Resources, Nos. 1, 2,
11 3, 5, 6, 7, 8, 9, 11, 12, 14, 16, 18, 19, 21 and 23 and
12 OFIA Nos. 1, 4 and 10. I don't think they were
13 previously filed and I have copies here for the
14 parties.

15 MADAM CHAIR: That will be Exhibit 1475.

16 ---EXHIBIT NO. 1475: MNR interrogatory question
17 Nos. 1-3, 5-9, 11, 12, 14, 16,
18 18, 19, 21 and 23 and OFIA Nos.
1, 4 and 10.

19 MR. HUFF: What was No. 474?

20 MADAM CHAIR: 474 was excerpts from the
21 Timmins and Gogama DLUG, the two revisions.

22 MR. HUFF: Yes.

23 MS. BLASTORAH: Thank you.

24 Thank you, Mr. Lindgren.

25 MADAM CHAIR: Good morning, Mr. Lindgren.

1 MR. LINDGREN: Good morning, Madam Chair
2 and Mr. Martel.

3 We are ready to commence with Document
4 No. 5 in the FFT witness statement No. 2.

5 Now, in the scoping session, Madam Chair,
6 you had asked us to determine when the Peshu Lake Crown
7 Management unit has been previously mentioned in the
8 evidence, and as far as we can determine it has been
9 mentioned in Volume 230 of the transcript at pages
10 41,917 and following. This was a submission by Ms.
11 Paton Lodge Lindsay and she filed an exhibit, Exhibit
12 1306.

13 The other relevant exhibit is Exhibit
14 1013 which was filed some time ago and I will be
15 referring to that in a few moments.

16 MADAM CHAIR: Thank you.

17 MR. CASSIDY: What was Ms. Lindsay's
18 exhibit number, Mr. Lindgren?

19 MR. LINDGREN: It was 1306.

20 MR. CASSIDY: Thank you.

21 MR. LINDGREN: I might also point out, as
22 I did I believe last week, that there is an outstanding
23 undertaking from the ministry of the Ministry of
24 Natural Resources with respect to clearcut size in the
25 Peshu Lake Crown Management Unit, and in particular I

1 believe the clearcut size in Haverot Township was to be
2 looked at.

3 MS. BLASTORAH: Mrs. Koven, pursuant to
4 the discussion we had at the scoping session, I didn't
5 have an opportunity after that to speak to Mr. Lindgren
6 when he telephoned me. I was in a meeting and I
7 frankly forgot about it after that.

8 I did make inquiries and the maps were
9 still being prepared at that time. I asked that that
10 be expedited as much as possible in the hopes that we
11 would have it for today and I have not received that
12 material.

13 So I can say that we will hopefully have
14 it in the very near future. I know it was near
15 completion when I spoke to...

16 MR. LINDGREN: I would also point out at
17 this time, Madam Chair, that Haverot Township is also
18 relevant to the testimony of Mr. George Nixon who will
19 be appearing before the Board next Tuesday.

20 MADAM CHAIR: So the fact that you don't
21 have this information will not be an obstacle in cross
22 examining this witness?

23 MR. LINDGREN: Not for this witness, I
24 don't believe it will be an obstacle.

25 MS. BLASTORAH: Were you intending to use

1 that in your examination of Mr. Nixon?

2 MR. LINDGREN: If we have it, I would
3 certainly like to refer to it.

4 MS. BLASTORAH: Well, I will do my best.
5 I will make further inquiries. Again, I don't know
6 because - you may recall and I think I pointed this out
7 at the scoping - we were doing an analysis, as Mr.
8 Martel requested, akin to what was done in the
9 clearcut -- with regard to the clearcut exercise and I
10 think that was part of what was taking so long, but I
11 will make further inquiries.

12 Again, if I had known perhaps further in
13 advance we might have been able to do something
14 quicker, but at this late date all we can do is try and
15 finish it.

16 MADAM CHAIR: All right, Ms. Blastorah.

17 Unless there is some specific information
18 that you feel that you want for the cross-examination
19 you might discuss it with Mr. Blastorah. Perhaps you
20 don't need the entire project completed.

21 MR. LINDGREN: That's correct, and I will
22 discuss that with Ms. Blastorah.

23 The next housekeeping matter, Madam
24 Chair, is to file a package of interrogatories relating
25 to Document No. 5. I would like to file this package

1 as the next exhibit.

2 MADAM CHAIR: That will be Exhibit 1476.

3 MR. LINDGREN: This package contains
4 interrogatories from the OFAH, question No. 1 and No. 2
5 and MNR questions No. 6, 8 and 9.

6 ---EXHIBIT NO. 1476: OFAH interrogatory question
7 Nos. 1 and 2, MNR Nos. 6, 8 and
8 9.

8 MR. LINDGREN: Madam Chair, I would ask
9 that Mr. Robinson be sworn.

10 MADAM CHAIR: Good morning Mr. Robinson.

11 MARK ROBINSON, Sworn

12 MR. LINDGREN: Good morning, Mr.
13 Robinson.

14 MR. ROBINSON: Good morning.

15 DIRECT EXAMINATION BY MR. LINDGREN:

16 Q. I understand that you are a secondary
17 school outdoor education teacher; is that correct?

18 A. Yes, that's one of the subjects I
19 teach.

20 Q. What else do you teach?

21 A. I was originally hired to teach
22 mathematics and managed to develop a program in outdoor
23 education which consumes most of my time, about half of
24 my teaching schedule, and I also teach -- I am a
25 counsellor part time as well.

1 Q. Do you teach and live in Elliott
2 lake?

3 A. Yes, I do. I have been there -- I'm
4 in my 9th year there.

5 Q. I also understand that you are a
6 member of the Environmental Concerns Committee of Canoe
7 Ontario; is that correct?

8 A. Yes, I have been a member of that
9 since very late 1988, early 1989.

10 MR. LINDGREN: Madam Chair, I would like
11 to file as the next exhibit an environmental position
12 paper adopted by Canoe Ontario.

13 MADAM CHAIR: This will be Exhibit 1477.

14 MR. LINDGREN: It is a two-page document.

15 MADAM CHAIR: Could you describe that?
16 The top line of the title seems to have been cut off.

17 THE WITNESS: Madam Chair, may I answer
18 that?

19 MADAM CHAIR: Please, Mr. Robinson.

20 THE WITNESS: I don't really know what it
21 says. I got this faxed to me. It is a recent paper
22 that's been issued by Canoe Ontario and I don't really
23 know what the top says. It is something about, it's an
24 environmental position paper.

25 MADAM CHAIR: All right, thank you. The

1 date is October 1990.

2 THE WITNESS: That's the fax date, I
3 believe.

4 MR. LINDGREN: I believe Madam Chair is
5 look at the AGM date.

6 THE WITNESS: Oh, sorry, AGM. That's
7 when it was passed.

8 MADAM CHAIR: What's AGM?

9 THE WITNESS: That's the annual general
10 meeting of Ontario Recreational Canoeing Association.

11 MADAM CHAIR: How should we describe
12 this, Mr. Lindgren?

13 MR. LINDGREN: I would describe it as the
14 environmental position paper adopted by...

15 THE WITNESS: I guess in here they refer
16 to Ontario Recreational Canoeing Association which is
17 under the Canoe Ontario umbrella.

18 MR. LINDGREN: This is dated October
19 1990. It is a two-page document.

20 ---EXHIBIT NO. 1477: Environmental position paper
21 adopted by Ontario Recreational
22 Canoeing Association, dated
October 1990.

23 MR. LINDGREN: Q. Mr. Robinson, could I
24 ask you to very briefly take the Board through this
25 document and explain to the Board what the aims and

1 objectives of Canoe Ontario are?

2 A. I handed in some notes on the cover
3 sheet, you don't still have the cover sheet from the
4 original; do you?

5 The Environmental Concerns Committee --
6 first off, perhaps I should explain. Canoe Ontario is
7 a provincial organization. It is the official body
8 recognized by the Ontario Government representing
9 canoeists in Ontario.

10 Underneath the umbrella of Canoe Ontario,
11 there are separate organizations for recreational
12 canoeing, marathon canoe racing, white water canoe
13 racing and sprint racing. So there are at least four
14 organizations under.

15 The Canoe Ontario had had an
16 Environmental Concerns Committee for some years, I
17 don't know how long, as long as I have been involved
18 with them -- or as long as I have known of Canoe
19 Ontario, although it was, to a large extent, a
20 committee that was comprised of people who had concerns
21 in specific areas that related to canoeing interests
22 and they worked on behalf of Canoe Ontario.

23 In the last two years, Canoe Ontario has
24 been asked more and more to give input on issues by
25 various groups, such as the MOE, the Ministry of

1 Natural Resources, small power development things and
2 so on. So they have taken upon themselves to come up
3 with a statement of their concerns, beliefs, policies,
4 whatever you'd like to call it, their position and
5 that's what this document addresses, is the position
6 that they have. Try to put it altogether, basically.

7 Q. Can I refer you to the last paragraph
8 on the first page and can you briefly describe what the
9 goals of the organization are?

10 A. The goals -- and I'm reading from the
11 last paragraph.

12 "The goals are a reflection of our
13 concerns which have arisen as a result of
14 our members experiences of recent years.
15 Essentially, we aim for safe,
16 unobstructed waterways, the elimination
17 of man-made pollutants in water,
18 unrestricted public access to waterways,
19 preservation and undisturbed state of the
20 natural occurring ecosystems surrounding
21 waterways and protection from the
22 development and preservation of
23 historically significant water routes and
24 the preservation of tracts of land for
25 research and benign recreational purposes

1 in wilderness areas."

2 I guess the only thing to add to that or
3 a more specific thing, relative to forest extraction
4 operations they endorse the concept of both a viewshed
5 approach to waterways, cutting around waterways and a
6 soundshed approach.

7 Q. What do you mean by soundshed?

8 A. Well, viewshed -- I call it a
9 viewshed. I heard it yesterday referred to as a
10 skyline limit or something like that, where forest
11 activities cannot be seen from a canoe route or -- in
12 my case, a canoe route is what I am concerned with. So
13 the viewshed is the area that the activities cannot
14 take place in, so that they can't be observed from the
15 water.

16 Canoe Ontario also endorses the position
17 that a soundshed should be involved as well so that
18 forest extraction activities cannt be heard from canoe
19 route areas.

20 Q. Can I refer you to the last line on
21 page 2 of this document. This is the last sentence in
22 upper case.

23 A. Yes.

24 Q. Can you briefly describe to the Board
25 what this is intended to convey?

1 A. "The canoeing environment is defined
2 as the sum of the physical, aesthetic,
3 historical, spiritual and recreational
4 elements which compose the waterways
5 used by canoes, kayaks and related
6 watercraft."

7 I guess -- I didn't write this document,
8 but to me that is -- I did have input in it. That is
9 trying to clarify for people the perspective that many
10 canoeists have on our forests, and I think perhaps that
11 perspective is somewhat unique.

12 The history of Canada, the history of
13 Ontario pretty much, up until very recent history, but
14 even recent history could be told through the story of
15 the history of the canoe, both in that historical sense
16 and because of the -- we use the word spiritual and I
17 don't know how to describe that except to say, you have
18 got to be there, I guess.

19 There is -- perhaps because it relates to
20 the native ancestry and the use of the canoe and all
21 that's gone before us, there is a spiritual connection
22 with the land and the waterways that I think many
23 canoeists have and I think that's what that statement
24 is trying to get across, that we are looking at the
25 forests that's surround the waterways and the waterways

1 as a whole, the whole ecosystem that's involved and so
2 on. I don't know if that's very clear.

3 Q. Thank you. Now, in paragraph 2 of
4 your witness statement, you refer to the fact that you
5 teach a course that involves timber management planning
6 exercises. Can you briefly describe what that entails?

7 A. Yes. The outdoor education program
8 that I initiated at the school about eight years ago
9 has evolved and evolved into more and more. There's
10 certainly a need for it.

11 In extra-curricular programs, we're on
12 canoe tripping and hiking and interpretative programs
13 and stuff. We now have curriculum credit courses in
14 outdoor education as well as at the secondary level,
15 specifically to forest, although that's not the whole
16 course.

17 The unit on forest management is an
18 attempt to simulate the timber management planning
19 process and I've had a lot of cooperation from the
20 local Ministry of Natural Resources' personnel. I
21 would say that I have generated some good friends
22 through this program and they have been always been
23 very keen to work with me. .

24 What they do is, I have a unit forester
25 and a biologist and a parks planner, I guess, or a

1 parks superintendent comes in and work with the
2 students. They bring in a map of a township in our
3 area that the students can identify with which is a
4 cutting map. It has all the settings laid out in it,
5 the kids have to learn how to -- the students have to
6 learn how to read it, you know, what percentage of
7 timber in a certain area or what kind of timber, and
8 all that, so they can read these maps.

9 We do overlays -- the Ministry personnel
10 provide overlays, they go over top of it, that have
11 values marked all over it, ski trails, heronries,
12 Pukasaw pits, outpost camps, hunting camps, gravel
13 pits; any kind of value, we set it up. A lot of the
14 values they put on our actual. Some of them, if there
15 aren't things there, we put them on and fake them
16 because we want the students to realize there are all
17 these many, many users of the forest.

18 The students then go out into the forest
19 with me and these people from the Ministry of Natural
20 Resources and study an area and are trained by the
21 forester and the biologist and the parks guy to look --
22 they are separated into groups. All the students are
23 given roles to play. Some are them are Ministry
24 personnel roles, some of them may represent
25 environmental groups.

1 MADAM CHAIR: We are smiling, Mr.

2 Robinson. We think we should have taken your course
3 before we started this hearing. It should have been a
4 prerequisite.

5 MR. CASSIDY: It's not too late.

6 MR. MARTEL: We could always have a crash
7 course some weekend.

8 THE WITNESS: Sure. I guess I started
9 this program because of my involvement and realizing
10 that I had so very much to learn and it was such a
11 complex process, and the students when they are done
12 don't know everything about it, but they're certainly
13 more aware that they can have input and have an impact
14 on what's going on, and when they walk into an
15 information session, I hope they won't walk in with the
16 same look of bafflement that I walked into my first
17 information session with.

18 The group of students representing MNR
19 personnel develop a management plan for that mock up
20 area and present it as though it were an information
21 session to the other students who may represent groups
22 like the FON or the native users and so on, all the
23 various groups are represented, and they have a good
24 old Donny Brook and iron it out and then they all go
25 back and try and figure out the comprises that they can

1 make, if they can make, and ones that they just feel as
2 a group they can.

3 MR. MARTEL: Could I back you up a
4 moment--

5 THE WITNESS: Sure.

6 MR. MARTEL: --because you made an
7 interesting comment. You said, you hoped the children
8 and kids would learn something and that they could have
9 an input and they wouldn't be as lost as you were when
10 you went to your first -- or had your first
11 introduction to this process of planning.

12 I guess it's the problem I have been
13 grappling with since I started this hearing. How does
14 one introduce a program which the lay public can
15 understand; in other words, not be just baffled by
16 volume of material so that they feel they make or have
17 some input and aren't left looking like they know very
18 little?

19 THE WITNESS: If I had the answer I would
20 probably be a very celebrated person, but I think there
21 are -- I don't know if you have been to an information
22 session, but when I walked into it and there are maps -
23 this entire room would be filled with maps, five-year
24 plans and 20-year plans and colour coded - and unless I
25 have a specific area -- you know, go and look up the

1 Boland River and I want to see what they are doing at
2 the Boland River, they can be doing things other places
3 that I -- I mean, it's impossible.

4 They take years or at least a year or
5 more, it certainly seemed like years when I got
6 involved with the process, to develop this plan and
7 then, plunk, it's thrown at the public in three
8 information sessions. They go back and make revisions
9 and a few months later, plunk, here it is again and it
10 certainly is not -- I mean, I think the law requires
11 that, I think that's the way it has to be done, but it
12 doesn't work. I agree with you.

13 Perhaps the public could be involved at
14 an earlier stage in the process.

15 One of my other concerns with that
16 process is that the MNR, in my district, I give them a
17 lot of credit. If I walk in and say, here's a value,
18 there's a heronry that you don't have on your maps,
19 they will mark that on their maps and they will make
20 allowance for that heronry.

21 If I told them, you know here's -- they
22 will tell me, here's our designated canoe routes
23 because they happen to know I'm interested in canoe
24 routes and I said, you missed one, there is one over
25 here that you haven't designated, but I know people

1 canoe in it and it's well used and it's a nice route,
2 they will put that on the map. They're welcoming this
3 input.

4 On the other hand, if they don't get the
5 input on a particular value that's there, it may get
6 ignored and I'm surprised -- well, I have been
7 surprised in the past by situations where they didn't
8 know about a value that existed. Maybe they need to
9 have more people in the field, you know, inventorying
10 the values that are out there. If they are waiting for
11 public input, a lot of the public don't care or don't
12 know and don't know how to have, you know, any...

13 MR. MARTEL: Your perception then is that
14 people who -- under the present system, the people in
15 fact go and identify with their own concern, but not
16 with the broad perspective of the whole plan.

17 THE WITNESS: Do you mean --

18 MR. MARTEL: They're restricted, a lot of
19 people are restricted to a concern that they might
20 have, let's say it's a cottager group.

21 THE WITNESS: Yes. Like, a trapper will
22 go in and he will look at his traplines and see what's
23 happening near his --

24 MR. MARTEL: And that's it?

25 THE WITNESS: And that's it.

1 MR. MARTEL: But, overall, the public
2 really can't get into it.

3 THE WITNESS: I'm not even sure that the
4 overall of a district. I mean, if you look at the size
5 of the Blind River District, as an example - I don't
6 mean to pick on that specifically, except that's the
7 one I'm familiar with - if you look at the size of that
8 district.

9 Now, I don't know if I'm allowed to say
10 this, but...

11 MR. MARTEL: Say what you want.

12 THE WITNESS: I question whether there
13 are a lot of people in that office that can comprehend
14 all that is going on in that district. You can ask
15 them. I don't think that they all can. I mean, there
16 is just so much going on. It's so big and it's so vast
17 and it's so complex and there are so many different
18 interests.

19 You know, the wildlife branch is
20 probably -- they are doing as much as they can to keep
21 track of what is going on in the wildlife sense.
22 Whether they have time to get enough people out in the
23 field to identify values, I question.

24 The forest branch or timber branch is
25 working as hard as it can to try and keep up with

1 meeting its mandate and so on, and then to try and take
2 a look at the overall picture and have any one person
3 know the whole thing. I think the district manager
4 does an admirable job of trying, and of course his job
5 is also to delegate. So, you know, if I phone about a
6 concern, if he doesn't know immediately, then he will
7 find out and I appreciate that.

8 But, yes, the public hasn't got a hope as
9 far as I'm -- in my opinion of grasping the whole
10 picture and I don't know if that it's possible within
11 the Ministry itself.

12 MR. MARTEL: Thank you very much. ,

13 MR. LINDGREN: Q. I have a few questions
14 arising out of your discussion, Mr. Robinson.

15 Firstly, to finish off with your timber
16 management planning exercise. Do you know of any other
17 schools that offer similar planning exercises?

18 A. I don't know of any that offer it on
19 the same scope that we do. Mine has evolved, mine
20 wasn't always at that sort of scope.

21 I'm very much involved with the
22 Ministry's program called Project Wild and I spend
23 quite a bit -- or some of my time, anyway, teaching
24 teachers to use Project Wild and one of the exercises
25 or activities in that is a smaller scale mock up of a

1 timber management planning exercise, and I think that
2 is used in schools throughout Ontario.

3 I know a few -- a lot of outdoor
4 education centres do similar things and outdoor
5 teachers similar things. I haven't heard of one on
6 that sort of scale.

7 Q. Okay. Picking on your discussion of
8 the open house process, in your opinion, would it be
9 useful to have available to the public some briefing
10 material before the open house?

11 A. Anything would be a help. I mean,
12 anything, a summary, an outline of major -- you know,
13 they know who the major interests groups are. I mean,
14 they should. When they try to establish an advisory
15 committee, they knew what interest groups they wanted
16 to have on the advisory committee, so they know what
17 the interest are, so hopefully they could produce a
18 summary that would address concerns that they know are
19 there.

20 Q. So a summary --

21 A. It's a mammoth undertaking that they
22 have, though. I don't know, it's...

23 Q. So would a summary package of
24 information be helpful, in your view?

25 A. Yes.

1 Q. Thank you.

2 A. The other thing I'd like to mention
3 on the educational components is that the Ministry
4 personnel work very closely with me on that and I went
5 into it not knowing a whole lot and basically have been
6 trained by them, so I learn more in the process of
7 doing it. It has been very interesting for me.

8 They have also been helpful in running
9 other programs, helping me run other programs. This
10 year we ran a program where we took all the grade nine
11 students in our high school, which was in excess of two
12 hundred students, out of the school for a day and ran a
13 forest program - we call it project tree top - up north
14 of town in what I call the Boland River Valley
15 planation area, which you will see slides of at some
16 point, and we took them through some old growth red
17 pine areas and did an interpretive walk, and some old
18 growth jack pine areas and then they went back to
19 Mississagi Park and worked with the personnel there and
20 did fire fighting and tree identification and other
21 programs with them.

22 That was also very much supported by the
23 Ministry and they also have been very much involved
24 this year with project Wild as well.

25 MR. MARTEL: Can I ask another question.

1 The industry is putting forth a proposal
2 which involves the public much sooner. I'm not sure if
3 you are aware of their proposal, but I believe - and if
4 I'm wrong, Mr. Cassidy, I am sure, will correct me - it
5 involves the various interest groups at least a year
6 before the draft plan is presented.

7 In fact, they meet and go over the
8 material as they prepare for the draft plan, I think,
9 starting at least a year; in other words, they are not
10 brought in once the draft plan is prepared. Would that
11 make sense to you?

12 THE WITNESS: Not really being versed on
13 that proposal at all, but certainly having the public
14 involved early I think has got to be of some benefit,
15 things like when a cut occurs, for example, or a road
16 is put in or an access road or a bridge is put in or
17 something like that.

18 I feel sorry for the Ministry people
19 because all of a sudden they will get some people come
20 and screaming at them saying: What are you doing
21 putting a cut in there, don't you know that I have got
22 a ski trail in there, or don't you know that there is
23 some rare orchids or something. And the guys go:
24 Well, where were you at the information centre, why
25 didn't you tell us about that value. The public, you

1 know, isn't that involved in it.

2 Maybe if there could be -- if you can get
3 them involved earlier and get more of them involved - I
4 don't know how to do that - it would definitely be a
5 benefit.

6 You also might run into the problem,
7 though, of the public -- if you showed them your plans
8 earlier and you got more of them involved and they
9 said: You mean you are going to cut there, then they
10 start to realize earlier --- I'm not saying this right.

11 When you look at a map and they say they
12 are going to cut an area, it looks a lot different than
13 later on when you go out and see the cut and you
14 realize what 120 metres actually is and you can see
15 right through it if it's an old growth jack pine stand.

16 So, yes, it would help. It can't be
17 worse, but I don't know if it's going to solve all the
18 problems.

19 There is another educational program that
20 Mr. Bess, who is here, helped us with and worked very
21 well. We had some students at our school who responded
22 to some information that they received about the
23 Mississagi Waterways Park, a proposed bridge. Some of
24 them got wind of that, and there is also some cottaging
25 issues over in Lake Matinenda that I wasn't aware of,

1 but the students seem to have a complaint and they sent
2 a bunch of letters to the Ministry, and I must say that
3 the Ministry office, Mr. Bess, reacted very favourably
4 and asked to come to the school and talk to the
5 students and, in fact, organized a day-long program for
6 those students to discuss the issues with them and
7 explain in some way silviculture and so on. It was a
8 very worthwhile program.

9 Q. Thank you. Now, a few moments ago
10 you also mentioned the mandate of the timber branch.
11 What do you understand the mandate of the timber branch
12 to be and how does it relate to the mandate of other
13 programs, as you understand them?

14 A. Well, that seems change. Right now,
15 the buzz word is integrated resource management and
16 it's a lovely concept. I still, I guess, believe that
17 the mandate of the timber branch is to facilitate
18 extraction of timber to make sure there is a supply for
19 the mills in the long run and so on, and that would
20 include, of course, not only harvesting, but site prep,
21 regeneration and tending.

22 It's a cycle and silviculture is, I
23 guess, what they are doing and that word I think
24 basically implies tree farming and I think that, at
25 least for many years, has been the perspective that the

1 timber branch has taken. That has been my impression,
2 anyway. Does that answer your question?

3 Q. The second part of the question was:
4 How are other programs integrated into that mandate, if
5 at all, in your experience?

6 A. In my experience -- and I must I
7 guess make the point that there have been changes this
8 past year. So what I would like to say right now
9 refers to before this past year, although I guess this
10 past year I should say things have apparently changed
11 or looked like they may be changing. I'm not convinced
12 yet that the changes happened.

13 Up until this past year, it is my opinion
14 that the economics of timber extraction supplying the
15 logging industry is -- has been the No. 1 priority of
16 the Ministry and that other concerns have been dealt
17 with to some extent, as long as they don't interfere
18 too much -- or didn't interfere too much with that
19 process. There have been a few more and more
20 concessions as pressure is mounting on the timber
21 industry to make more and more accommodations.

22 Integrated resource management, I think,
23 is a response to this and I still don't feel that other
24 branches of the MNR are heard with the same voice as
25 the timber branch, perhaps because of the economic

1 clout that they don't carry. That's an impression,
2 that's not...

3 Q. Okay, thank you. And, again, a few
4 moments ago you referred to possibly the need to
5 inventory values in the field.

6 In your opinion, is there a public
7 - expectation that the Ministry should know what's out
8 there on the ground?

9 A. Well, I was frankly surprised when I
10 first got involved in this process that --

11 MR. CASSIDY: Sorry, that question - it
12 may have to be repeated again for my benefit, so I
13 apologize in advance - but, as I understand, that
14 question is asking this witness to provide his opinion
15 of what public opinion is.

16 If that's the case, then I believe that's
17 not a proper question for this witness to answer. He
18 is not a poll taker, he is not here to give what could
19 only be the most hearsay of evidence of public opinion.
20 He is here to give his opinion as to what the process
21 is.

22 If he is aimed at interpreting a whole
23 idea, then we got into all sorts of questions as to who
24 he has canvassed, who he has spoken to, and I just
25 don't think that's valid evidence before this Board.

1 There has got to come a time when this Board has to say
2 that evidence is of such dubious merit or, in fact, is
3 not within this witness' capability whatsoever that we
4 are not going to take the time to hear it.

5 Now, if the question is aimed at
6 something different, then we can deal with it, but if
7 it is that, Madam Chair, I object.

8 MADAM CHAIR: What's your question, Mr.
9 Lindgren?

10 MR. LINDGREN: Pardon me?

11 MADAM CHAIR: What was your question?

12 MR. LINDGREN: My question was whether or
13 not, in his opinion, there is a public expectation that
14 the Ministry should know what's out there on the
15 ground.

16 THE WITNESS: If I may, I will respond
17 giving you my expectations.

18 MR. CASSIDY: Just a second. That is my
19 objection and it remains. He cannot give public
20 expectation. Is he the mayor, does he speak for a
21 whole community of people? I object to that question.

22 First of all, I fail to see how that is
23 of any relevance for the Board to hear from one person
24 as to what someone thinks other than himself.

25 MS. SEABORN: Well, Mr. Cassidy, I think

1 that goes to the question of weight of the evidence
2 which is up for the Board to decide.

3 Mr. Robinson can give an answer to that
4 question based on his experience and based on the
5 credentials that he has presented to the Board.

6 MR. CASSIDY: I disagree, Madam Chair. I
7 think it's a matter of admissibility. This man was not
8 qualified as giving opinion evidence on public
9 expectations. There are experts who give evidence of
10 that nature and he is not one of them.

11 MADAM CHAIR: We are not asking Mr.
12 Robinson for expert evidence on public opinion. The
13 Board is interested in Mr. Robinson's experience as a
14 member of the District Advisory Committee. We think he
15 does have some familiarity with how some aspects of
16 public opinion about timber management exist in your
17 area and the Board is happy to hear you comment on
18 that.

19 THE WITNESS: Thank you. Just for Mr.
20 Cassidy's benefit --

21 MR. CASSIDY: It is for my benefit, Madam
22 Chair, and I resent the witness suggesting that it is
23 for my benefit. It is for the benefit of the Board and
24 I am making an objection on the admissibility of
25 evidence.

1 MADAM CHAIR: We've heard your objection,
2 Mr. Cassidy, and we've overruled it.

3 Go ahead, Mr. Robinson.

4 THE WITNESS: I do represent canoeists in
5 Ontario and have spoken with many of them. I also in
6 my local area, because of my position on the advisory
7 committee, do get phone calls at all hours, I might
8 add, from people who are upset over something that's
9 happened, and I also discuss with a lot of people
10 locally -- local issues in forest management, but I
11 feel more comfortable saying how I feel or what my
12 expectations were with the Ministry when I first walked
13 in.

14 My expectations were that they knew more
15 than they did.

16 MS. BLASTORAH: I'm sorry, Mr. Robinson,
17 I just didn't hear you.

18 THE WITNESS: I expected them to know
19 more about what was there than they actually did.

20 I have been in the Elliott Lake -- this
21 is my ninth year. For example, and you will see it in
22 the response from Mr. Lannin to my comments, which I
23 can refer to later or now if you want, he thanked me
24 for pointing out two heronries.

25 Well, the two heronries that I pointed

1 out have been there for years and years and years. The
2 one is on a little lake just off of Elliott Lake where
3 probably half the population goes ice fishing in the
4 winter. Unfortunately, they have cut down a lot of
5 heron nests for firewood.

6 The heronry is north of town and is in
7 such a position that there is a hiking trail that goes
8 up, and it's very not, up to a cliff above it and the
9 local population, or at least many of them, go up in
10 the spring and climb up on this cliff and with
11 binoculars you can look down into the tops of the
12 heron's nest. It's really quite a spectacular thing to
13 go and witness in the spring.

14 Pretty well all of Elliott Lake knows
15 that's there, knows both of them are there. Why didn't
16 the Ministry? I notified them in March of 1989, so I
17 was surprised that they didn't -- I think I got the
18 date right, yes, March of 1989 in an information
19 session. I was just surprised that they didn't know
20 things like that.

21 They are constantly by accident or by
22 public input finding out other values that exist in the
23 area.

24 MADAM CHAIR: Excuse me, Mr. Robinson.
25 Is there any other way that the Ministry could discover

1 information other than by the public contacting them or
2 by accident in the sense that every time they go out
3 into the bush they would see something?

4 Are you suggesting that if there were
5 more people on the Ministry staff who were devoted to
6 the job of walking through the bush looking for values
7 such as heronry nests, that's how it would be?

8 THE WITNESS: That seems like a pretty
9 large number of people to put in; but I certainly think
10 more field work has to be done.

11 It may be that if an area is planned for
12 cutting in the next five or 20-year planning or
13 whatever, that yes, that area should be covered.

14 MADAM CHAIR: By...?

15 THE WITNESS: By man, by whatever.

16 MADAM CHAIR: And you would place more
17 reliance on the ability of the MNR to discover certain
18 values than you would on yourself or other members of
19 the public?

20 THE WITNESS: No, I don't think you can
21 exclude the information you are getting from the
22 members of the public. I think you still have to go
23 after that and you might go after that in a more
24 aggressive fashion.

25 You might, instead of having an

1 information session and hoping people come and tell you
2 things, you might do some sort of marketing program to
3 get to the people and, you know, survey them or
4 whatever, local people. You know that the trappers are
5 out there running around there, you know that people
6 like me are out there wondering around, you know,
7 canoeing, paddling around and so on.

8 Those groups exist. The OFAH, you know
9 that they're out there. Those guys are out hunting and
10 they know the bush better than -- you know, at least
11 specific areas. Maybe a survey, maybe a more intense
12 contact with the public instead of sitting and waiting
13 for them to come in.

14 MADAM CHAIR: You are saying with a
15 specialized public, that the MNR would be better
16 advised to contact special groups--

17 THE WITNESS: That's one way.

18 MADAM CHAIR: --rather than an open house
19 where everyone is invited to come, that it would be
20 more beneficial in terms of getting more information?

21 THE WITNESS: Maybe both are needed. You
22 know, I don't say the open house is doing nothing, just
23 that it's limited. Everything you do has some
24 limitations, so do more things.

25 MR. MARTEL: Isn't the problem really

1 that MNR has been and continues to be understaffed in
2 terms of the number of foresters, the number of
3 biologists, simply the number of people there to do the
4 volume of work to cover four-fifths of the province
5 with the small staff that are presently and have been
6 utilizing?

7 THE WITNESS: I think that's a problem.
8 They neither need more staff or I guess money enters
9 into it somewhere, or you have to devise a system that
10 will do this job adequately without a staff, if you
11 don't have a staff, and I don't think that's happened
12 yet.

13 MR. MARTEL: But that's isn't that the
14 system they are trying to work with to some degree,
15 that's why they are relying on people like you to
16 provide --I mean, they are never going to discover
17 everything, but if they don't have the bodies, how can
18 they possibly do the work?

19 THE WITNESS: Yes, I agree. I also think
20 there is an element of -- it's not really so much in
21 values identification, but there's an element of where
22 people in the Ministry -- and when I say Ministry, it's
23 a bit of a misnomer because the Ministry isn't the
24 Ministry. The ministry is the wildlife branch, the
25 fisheries branch, the timber branch and so on.

1 I think there is a lot of input available
2 to timber branch from other branches that they either
3 don't ask for or don't hear when it's given to them, or
4 they just find that a complicated matter. I don't
5 know. Maybe they just don't work within the plans that
6 they have. So maybe IRM that will change, but I'm a
7 bit cynical -- I am a lot cynical.

8 MR. LINDGREN: Q. Just to follow-up on
9 your comments, Mr. Robinson. In your experience, is
10 there an expectation that the Ministry has the
11 responsibility to know what exists other than timber in
12 an allocated area?

13 A. I think that's probably a good way of
14 putting it, yeah, because they do know what -- no, they
15 think they know what timber is there. A lot of that is
16 done from aerials, and if they actually go in the field
17 they may find some different situations, but I think
18 they should be doing better inventorying of both timber
19 and non-timber values.

20 Q. Now, in paragraph 3 of your witness
21 statement you refer to the fact that you have hiked and
22 canoed and flown over the area of Mississagi River
23 Provincial Park.

24 Can I ask you to indicate for the Board
25 on the map behind you where the park is located

1 generally?

2 A. Okay. This is Sudbury which I think,
3 Mr. Martel, you are quite familiar.

4 MR. MARTEL: Slightly.

5 THE WITNESS: West of that Elliott Lake
6 and the Blind River District covers up quite an area up
7 through here like this. (indicating)

8 The Mississagi Waterways Park is along
9 there. The Wenebagon River, which is referred to in my
10 evidence, is here. The Mississagi Natural Reserve Park
11 is there. There's two Mississagi Parks.

12 MR. MARTEL: Does that come right up to
13 the highway? Doesn't the highway to Sault Ste. Marie
14 run right along the Mississagi for a while?

15 THE WITNESS: Yes, the very southern
16 portions of it, which is along here. That's where it
17 runs along the highway here, Blind River.

18 The Mississagi actually starts -- gosh,
19 Biscotasing, wherever that is, way up, and our section
20 of the park is pretty much in here that I'm familiar
21 with, and I'm also familiar with some of the sections
22 down by the road and Highway 129 as well.

23 Rock Island is a much used lake by
24 fishermen as well which is part of that system. The
25 Wenebagon River is a tributary; it flows into Rock

1 Island Lake. It used to flow into Mississagi River
2 until the dam was put in, but now it flows into the
3 lake. So that's basially the area I'm talking about.

4 MR. LINDGREN: Mr. Robinson, can I ask
5 you to flip the other map forward.

6 Madam Chair, I can indicate this, again,
7 was a map provided to us for our assistance by the
8 Ministry of Natural Resources and perhaps that should
9 be marked as the next exhibit.

10 MADAM CHAIR: This will be Exhibit 1478.
11 What is it, Mr. Lindgren?

12 MR. LINDGREN: It is described as the
13 Mississagi Waterway Provincial Park, AOC map for
14 Schulman and Parrot Townships, Peshu Lake CMU, 1990-95.

15 ---EXHIBIT NO. 1478: Mississagi Waterway Provincial
16 Park, AOC map for Schulman and
17 Parrot Townships, Peshu Lake CMU,
1990-95.

18 MADAM CHAIR: Could you read that again,
19 please.

20 THE WITNESS: Mississagi Waterway
21 Provincial Park, AOC map for Schulman and Parrot
22 Townships, Peshu Lake CMU, timber management plan
23 1990-95--

24 MR. LINDGREN: Q. Can you indicate on
25 that map--

1 A. --Blind River District.

2 Q. --Mr. Robinson, the location of the
3 river and the park?

4 A. Okay. This is just a small section
5 of the river. It runs here. (indicating)

6 Over on this -- outside of here would be
7 Bark Lake and the river comes out of Bark Lake and runs
8 through here. The black line around it that you see is
9 the current boundary of the park. It is 120 metres
10 from the river on either side.

11 Q. Can you generally describe the
12 topography and the tree species one would find in the
13 area?

14 A. Well, in this section of the lake
15 right here, you won't find any trees except little ones
16 about that big. This has all been cut pretty; a good
17 chunk of it, but where there are trees there is a lot
18 of jack pine, some white pine, some red pine.

19 Over near Bark Lake -- and I'm not
20 exactly sure where it is. Mr. Bess, I don't know if he
21 is allowed to clarify, but there is a section somewhere
22 near Bark Lake that we discussed on our advisory
23 committee meeting that is evidently -- has been
24 designated as an old growth white pine, red pine forest
25 under some directive or something that the Ministry has

1 made to set aside some areas or to at least withdraw
2 from cutting in the immediate year or two, I guess -
3 I'm not exactly sure of the time frame - so they can
4 decide what to do with them before they are cut, sort
5 of thing. There is one of those sections which is over
6 here and I think Bark Lake is part of the park. It
7 certainly is part of the river system.

8 So there is some deep rock cuts, some
9 nice canyons, hell's Gate Rapids is up along in here,
10 very thick bush in some areas, although the jack pine
11 stands are -- full jack pine stands, because of them,
12 there's not much undergrowth and you can see through
13 them pretty well.

14 There are also meadowy areas where -- I'm
15 not exactly sure, but where the river takes a bend like
16 that, there is a flat area, swampy sort of meadowy area
17 that comes out. In fact, in one area, the meadow area
18 comes out beyond the park boundary and the cutting, of
19 course, went to or near the park boundary, but because
20 there are no trees there, there is just a meadow, you
21 look from the river across the meadow out into the
22 clearcut sort of thing.

23 So this has been, I guess, the area that
24 got me significantly irate that I got involved in a
25 more significant way in the process and partly why I'm

1 here today. That was my initial area that upset me.

2 Q. Now, Mr. Robinson, in paragraph 5 of
3 the witness statement you indicate that you became
4 involved in the timber management planning process in
5 November 1988.

6 I am just wondering if you could advise
7 the Board whether prior to 1988 you had any contact
8 with or concern over timber management practices in
9 that area?

10 A. Yes. I can't remember exactly the
11 year, I think it was 1987, although it might have been
12 1986, in the fall, a friend of mine in Elliott Lake, a
13 chap who had grown up in Elliott Lake, spent all his
14 life there and he has just since moved, but he was an
15 environmental biologist in Elliott Lake and we did a
16 lot of canoeing together and hiking and so on, and
17 early in November we decided to get our last paddle in
18 up on the Mississagi, and I had never been up there
19 until that time.

20 So it's about an hour and a half or two
21 hour drive. You have to go up Porterlance Road,
22 there's a logging road north of Elliott lake, to a
23 landing. There has been for years a landing, a boat
24 launch sort of affair on the Mississagi that the old
25 logging roads have sort of gone to and people for years

1 used as a landing, and this chap, you know, has always
2 gone in there and you can do a nice day's paddle up
3 river or down the river or so on.

4 We went up there with a fellow who has
5 been going to that landing most of his life and we
6 wouldn't find it. We drove out of the old plantations
7 into the new cutting, which I've sort of roughly
8 identify -- you know, shown there, and we couldn't see
9 anything except hills and rock. It had been replanted,
10 some of it, so there were little trees coming up and we
11 drove -- these roads drove along the main road,
12 following it and following it and he couldn't find the
13 landing because everything was gone, any kind of land
14 mark or anything.

15 Eventually, and I'm just guessing now,
16 three quarters of an hour it took us to drive through
17 this cut, maybe an hour, and we finally ran into where
18 timber extraction was going on. This was a Sunday, but
19 there was a skidder operator, who is contractor so he's
20 working on a piece rate I guess, was still working and
21 we stopped and talked to him and asked him where the
22 landing was.

23 The landing, I'm not sure whether this
24 map -- I don't read these kinds very well, but I think
25 the landing is down around here.

1 MS. BLASTORAH: I'm sorry, Mr. Robinson,
2 could you just step back. Thank you.

3 THE WITNESS: I believe the landing is
4 down around somewhere in this area.

5 We were up passed Hell's Gate Rapids,
6 which is way up here somewhere, and the skidder
7 operator kind of chuckled and tried to describe to us
8 how to find it through this mess of logging roads.
9 Finally, he -- a little while later while we were
10 trying to find it, he came down the road, he was on his
11 way out, and drove us to the right road and we found
12 the landing gear and went paddling.

13 That was my first exposure to that and I
14 guess what upset me was the shear magnitude of the cut.
15 It was huge. Like, you could look for a long ways and
16 not see any trees. We drove a long ways and didn't see
17 many trees. That was my first tour.

18 Q. Is that why you decided to get
19 involved in the timber management planning process?

20 A. Yes, that would be one of them.

21 MR. MARTEL: You don't know when that was
22 cut, do you, what year?

23 THE WITNESS: Yes, that was -- well, I
24 stand to be corrected, I think that was in '85 to '90.
25 It may have started in the '80 to '85 timber management

1 plan, but certainly was being cut -- it contiguous cut
2 that was going on. It was certainly being cut in the
3 '85 to '90 plan.

4 MR. LINDGREN: Q. Is this the area that
5 you subsequently flew over and took photographs of?

6 A. Yes, it's one of the areas I took
7 photographs of and then I went back and took
8 photographs from the ground as well a few years
9 later -- or a year later.

10 Q. We will turn to those in a few
11 moments.

12 MR. MARTEL: All right, thank you.

13 MR. LINDGREN: Q. Again, in paragraph 5
14 of your witness statement, you indicate that you
15 learned that the Ministry was preparing a new timber
16 management plan and that an advisory committee was
17 going to be established.

18 Can you briefly advise the Board how you
19 learned of these events and what you did in response?

20 A. Okay. I think it's sort of important
21 for the Board to understand my position, that in the
22 summer of 1988 I became quite ill and was hospitalized
23 in Toronto and didn't get back to Elliott Lake until
24 the 23rd of September or something like that and I
25 actually was off work then for the rest of that year.

1 I was going through a series of
2 operations so that there were three months between
3 operations, and so for about the last month and half of
4 that layoff time I was recuperating, getting ready for
5 the next operation, but I was able to go out and dig
6 around and do a lot more than I would normally be able
7 to do given my work schedule.

8 I have been involved with the town Parks
9 and Recreation Department as a committee member and a
10 few other sort of civic things. One day I dropped into
11 the -- because I wasn't working I was doing my walking
12 and going visiting people in the town that I was
13 involved with and I stopped in to see the economic
14 development officer, Mr. Darcy Halligan, and because, I
15 guess, of my interest he mentioned to me that this
16 advisory committee was being established.

17 At that time, my impression from Darcy
18 was that he was the one that had initiated this action,
19 but the Ministry was certainly -- you know, wanted to
20 do it, too, was willing to go with it. So I told him
21 that I would like to be on that committee, I told
22 Darcy, and he said: Sure, who do you represent, and I
23 said: I represent me. He then said: No, no, I think
24 it's better you sort of -- for advisory committees you
25 have sort of got to represent -- be affiliated with a

1 group, you know, and he went through a list, you know,
2 like the FON or various other groups, OFAH or whatever,
3 and we finally hit upon one that I happened to be a
4 member of as a canoe tripping instructure.

5 So that was how I became a member of --
6 that was how I became a member of the environmental
7 concerns environment for canoe Ontario. So I would
8 have to say my initial concerns were local, but as a
9 canoeist I certainly do represent Canoe Ontario.

10 Anyway, he said he would pass on that
11 information to the district manager. I subsequently
12 phoned one of my friends there, the unit forester, Gord
13 Campbell, and I asked Gord about what was going on,
14 just to find out. Darcy is a very busy man and I just
15 wanted to make sure the message got through.

16 Gord told me about it and he said call
17 Mr. Lannin, the district manager. So I phoned Bill and
18 told him and that was fine, and that was how I found
19 out about it.

20 In one of the interrogatories - I don't
21 know if this is the time to respond - I was asked
22 about: Did I agree that I had received notification at
23 certain times and I originally said: Yes, I probably
24 did. I didn't know if I did or not, I said I probably
25 did, just because my involvement with the Ministry they

1 probably sent it to me.

2 In retrospect after answering that and
3 sending these interrogatories in, I realized in the
4 letter that Mr. Lannin had replied to me a year later
5 that he had -- not quite a year later, but anyway some
6 time later he mentioned to me that he added me to the
7 mailing list. So I have changed my response in the
8 interrogatory, I don't think I did receive that stuff.

9 MR. LINDGREN: Madam Chair, for the
10 record, that's MNR question No. 4 which I have not
11 filed, and perhaps Ms. Blastorah was intending to file
12 that, I'm not sure.

13 The reference to the letter from Mr.
14 Lannin is reproduced in Appendix B and it is on page 2
15 where we find that -- there is an indication that Mr.
16 Robinson has been added to the timber management
17 mailing list and will be notified of upcoming
18 opportunities.

19 Q. Mr. Robinson, I understand you
20 attended the open house on the new timber management
21 plan?

22 A. Yes, I guess -- yes. When I talked
23 to Mr. Lannin in November 1988, the timber management
24 planning process was already underway and I thought
25 that the advisory committee would be convened at that

1 time. I waited and I waited and I waited thinking it
2 was going to be convened, and I phoned Mr. Lannin a few
3 times to find out and he mentioned some problems with
4 finding other members for the committee, he was trying
5 to get a Council of First Nations to have a rep on it
6 or something like that. Anyway, there was some
7 problems in getting groups represented on the committee
8 and things like that.

9 Anyway, the meetings didn't happen,
10 didn't happen, didn't happen. Finally, in March, just
11 because I came down to Toronto for more surgery, there
12 was an information session. I thought: Well, I better
13 find out what is going on since nothing is happening
14 with the advisory committee. So March of '89 I went to
15 the information session. I had to go down to Blind
16 River because I couldn't get to the one in Elliott
17 Lake.

18 Q. In paragraph 6 of your witness
19 statement, you indicate that you completed a comment
20 sheet about the new timber management plan and you
21 expressed concern about the size of clearcuts that
22 occurred under the former timber management plan.

23 A. That was primarily in reference to
24 the clearcut in Schulman Township.

25 MR. MARTEL: Could you tell me what your

1 anticipation was.

2 From the time you initially indicated
3 that you wanted to be on the advisory committee and you
4 finally get to an open house in March of 1989, you
5 indicated that you kept waiting for phone calls. Did
6 you anticipate that you would have some direct input
7 before or some involvement in the actual development of
8 the plan as opposed to simply commenting on it, on what
9 might be proposed?

10 THE WITNESS: Yes, I did.

11 MR. MARTEL: So from that point of view
12 you weren't very happy?

13 THE WITNESS: No. But, again, it was a
14 situation that this was a new thing, never had an
15 advisory committee before. I had never been on one
16 before, so I wasn't entirely sure except that I would
17 phone Mr. Lannin occasionally or I'd be talking to one
18 of my other contacts in the district office.

19 I'd say: What's happening with this
20 advisory committee, when are we meeting? Well, soon,
21 soon, we are trying to get this or that. I thought
22 that -- it made sense to me that we get involved before
23 the plan was made rather than after it was made.
24 That's what my expectation was. Maybe it was not
25 accurate, but...

1 MR. LINDGREN: Again, Mr. Martel, we will
2 return to that subject in a few moments.

3 MR. MARTEL: I'm sorry, I don't mean to
4 jump into your questions.

5 MR. LINDGREN: That's quite all right.

6 MR. MARTEL: Sometimes they just hit me
7 as we are going along.

8 MR. LINDGREN: Feel free to jump in at
9 any time.

10 MR. MARTEL: With both feet.

11 MR. LINDGREN: Q. Now, in paragraph 6,
12 Mr. Robinson, you also indicated that you objected to
13 proposed access roads and bridges on the Mississagi,
14 and in the next sentence you also objected to
15 unnecessary bridges over the Boland River.

16 Can you explain the nature of your
17 concerns there?

18 A. Well, I went in there mostly with my
19 concern being the clearcut in Schulman Township.
20 That's about the only thing I had really seen.

21 When I got there and talked to various
22 Ministry personnel that were there to try and explain
23 things to people, it was pointed out to me that -- and
24 I think it was intended to go in near where the landing
25 was that I was trying to find that past year or

1 whatever, that there was a bridge being proposed to go
2 in over the Mississagi River which seemed odd to me and
3 I guess I had -- I didn't know as much then as I do
4 know, and hopefully next year I will know more than
5 than I do now, but when they said this bridge was going
6 to cross, I guess in a typical fashion of someone who
7 doesn't really understand the process, all I can
8 envision was a river park with this little ribbon of
9 trees on either side.

10 That's why I went to the meeting, because
11 the way it is now with the Schulman Township cut, on
12 the, I guess, east side of the river, in that area, all
13 there is is a ribbon of trees and then there is a
14 moonscape. And I had this image, if they put the
15 bridge across, that that's what the other side of the
16 river was going to look like, and I object to that. I
17 objected then and I still object to that.

18 A 120-metre ribbon of trees, in my
19 opinion, is not adequate when you look through it and
20 see what you see in that case.

21 Anyway, so when I was told that the
22 bridge was -- they were proposing a bridge, I got kind
23 of excited about that and one of the Ministry
24 personnel, who was also concerned about the bridge,
25 didn't feel it was necessary, informed me that that

1 bridge was -- if they put in it, was indeed contrary to
2 the District Land Use Guidelines, I think, or something
3 like that. No, something -- it is my thing here. I
4 had to go and look it up some time later, District Land
5 Use Guidelines.

6 MR. LINDGREN: This is Appendix D, Madam
7 Chair and Mr. Martel.

8 THE WITNESS: I didn't realize this and
9 it was the Ministry personnel who was concerned that
10 told me that this bridge would have contravene the
11 District Land Use Guidelines which says - this is
12 Appendix D, if you look over on the back - land use
13 intent, very top of the second will column says:

14 "No additional road access to the park
15 and no road crossings of the Mississagi
16 River will be permitted."

17 So I didn't know that at the time. I
18 just knew that a guy -- one of the Ministry personnel
19 had told me that it was contrary to the land use
20 guidelines and he also told me that the park was very
21 close to being within 20 miles -- or the bridge, the
22 new proposed bridge would be very close to being within
23 20 miles of an existing bridge that I believe E.D. Eddy
24 has up river.

25 The whole purpose of the bridge was to

1 reduce haul time, I was led to believe. The timber on
2 the other side of the river can be accessed in two
3 different ways, either using the existing bridge or
4 coming in off of Highway 129 and going down towards
5 Thessalon instead of going -- you can go west instead
6 of coming across the river and going east, with the
7 timber that is.

8 So the bridge didn't seem to me, talking
9 to this guy, to be all that necessary. So I then went
10 or in the course of that information session I bumped
11 into or went to speak with the unit forester for that
12 area, and you will see reference to this in my letter,
13 Appendix C, my letter dated August 28, the second page,
14 second last paragraph.

15 I asked the unit forester, I said: Are
16 you -- is there really a proposal for a bridge across
17 the Mississagi Park and he said: Yes. I said,
18 pretending that I knew what I was talking about:
19 That's contrary to the Land Use Guidelines. He
20 shrugged and sort of said: That's okay, we will just
21 apply for an amendment.

22 I refer to that in that second last
23 paragraph:

24 "The unit forester involved with this
25 cutting area said to me, there was no

1 problem, he would just apply for
2 amendment."

3 My question was: What the heck are the
4 guidelines for.

5 MR. MARTEL: Where is this exactly?

6 THE WITNESS: Appendix C. My reference
7 or...

8 MR. MARTEL: I see.

9 THE WITNESS: Second last paragraph on
10 the second page.

11 MR. LINDGREN: This is the paragraph that
12 begins: "Current Land Use Guidelines suggest..."

13 MR. MARTEL: We've got it now.

14 THE WITNESS: That actual comment by that
15 forester is initiated -- was the first in a long line
16 of comments on guidelines that I have heard and have
17 made myself.

18 I'm sorry, I don't understand this
19 concept of guidelines that the Ministry of Natural
20 Resources has. I'm a teacher and we have guidelines
21 and the guidelines tell me in mathematics, here are the
22 core unit you must cover. Even though they call it a
23 guideline, I have to cover that.

24 If an inspector comes in and says: You
25 are not covering this section of geometry in your math

1 class, then I'm in trouble. That's, to me, what
2 guidelines are for. Things in the guidelines that are
3 optional and education guidelines are indicated as
4 optional.

5 The Ministry has a really interesting
6 idea about guidelines, as far as I can figure. No. 1,
7 if the guideline -- if they don't like something in the
8 guideline and I question it, they will tell me they are
9 only guidelines, they are flexible. In fact, Mr.
10 Klugman, I believe, in a letter he responded to me,
11 which is in my appendix was well -- I think it was Mr.
12 Klugman.

13 MR. LINDGREN: Q. I think you may be
14 referring to Appendix F which is a letter from Mr.
15 Lannin.

16 A. Maybe. Yes, okay.

17 Q. I believe you might be referring to
18 the last paragraph on the first page.

19 A. Oh, yeah.

20 "Guidelines provide some flexibility."

21 So when I questioned him about a
22 guideline, one response is: Well, they are only
23 guidelines, so we will ignore it or we don't have to
24 abide by it because it's only a guideline and it is
25 even mentioned here:

1 "Guidelines provide some flexibility."

2 Okay, that's fine. On the other hand, if
3 that argument doesn't work, then they do -- you know,
4 or if it's too big a deal to kind of ignore, like a
5 bridge across the Mississagi Waterways Park, then the
6 forester just says: Oh, well, we will amend it. So
7 that's response No. 2.

8 However, in the case where they want to
9 do something that perhaps I object to and the
10 guidelines support them, one of the responses will be:
11 Well, you know, here is the guideline, it supports our
12 position. I mean, when it suits them they use the
13 guideline, when it doesn't, they don't.

14 I really -- I've said this to Mr. Lannin
15 at the advisory committee meeting that I really feel
16 sorry, for example, for biologists in the Ministry of
17 Natural Resources. These guys put a lot of time and
18 effort, their expertise and study presumably into
19 producing a guideline, like a deer habitat guideline or
20 a Moose Habitat Guidelines. They're the experts,
21 presumably, they wrote the guideline.

22 The 130 hectare thing for example. In
23 the Moose Habitat Guidelines it says: A clearcut
24 should not be larger than 130 hectares in a moose area
25 where the guidelines apply and moose should be no

1 farther than 200 feet from cover.

2 Well, that probably, in the first place,
3 was a compromise to timber management, but I have no
4 evidence of that, so don't rake me over coals over that
5 one. I'm guessing that it may have been a compromise.

6 However, from the Ministry, I became
7 aware of a directive from somewhere, probably the
8 provincial level. It says, you can ignore the 130
9 guideline, you can go to 260 hectares without any
10 special approval. Just go ahead and do it.

11 I mean, if I was a biologist team that
12 wrote that report, I would be thinking: Well, I'm not
13 really appreciated here, I think I will go somewhere
14 else. I mean, holy mackerel.

15 Now, even in correspondence from Mr.
16 Lannin, for example, when he refers to the Moose
17 Habitat Guidelines, when I have questioned on that, his
18 reference is - and I guess it's in an advisory
19 committee meeting somewhere - his reference is: Well,
20 we are keeping to the Moose Habitat Guidelines, we
21 won't have a clearcut over 260 hectares. Well, excuse
22 me, the habitat guidelines says 130 hectares.

23 So I guess I'm just saying that this
24 whole thing brings up an issue on guidelines that just
25 surprises me. They don't seem to have any rules that

1 say you have to do this. Maybe I'm wrong in that.

2 Q. Mr. Robinson, while we are on still
3 on Appendix F, can I refer you to page 2 and in the
4 second last paragraph there is a statement that:

5 "Revision to the District Land Use
6 Guidelines resulting from decisions..."

7 ---Discussion off the record

8 MADAM CHAIR: Go ahead, Mr. Lindgren.

9 MR. LINDGREN: I am on page 2 of Appendix
10 F, second last paragraph.

11 MR. MARTEL: Page 2?

12 MR. LINDGREN: Page 2 of Appendix F,
13 second last paragraph which reads:

14 "Revisions to the District Land Use
15 Guidelines resulting from decisions made
16 in the timber management planning process
17 will be made when the plans are
18 submitted for approval."

19 Q. Mr. Robinson, are you satisfied with
20 that approach?

21 A. Well, quite honestly, when I first
22 got the letter I wasn't exactly sure what he was
23 telling me. My guess is now that what he is saying is
24 that we will do our -- you know, we will finish our
25 timber management plan and where that timber management

1 plan runs into conflict with District Land Use
2 Guidelines, we'll change the guidelines. I think
3 that's what that's saying, that we will revise the
4 District Land Use Guidelines when we make our timber
5 decisions. To me that's not acceptable. I mean, that
6 doesn't make sense.

7 Q. I think this whole discussion was
8 prompted by your comment sheet that you submitted at
9 the November -- or in the March '89 open house and --

10 A. This was in reference to paragraph 6
11 then?

12 Q. That's correct. And you also had
13 referred to bridges over the Boland River.

14 Can you indicate for the Board where the
15 Boland River is located or is it on that map?

16 A. Well, it's in the same general area.
17 I mean, the Mississagi Waterways Park we are talking
18 about is here. I'm sorry, it's there.

19 The Boland River, it looks like it is
20 called the White River on here. The Boland River comes
21 down through here and runs in -- and is a tributary to
22 the White River. So where you see this Mississagi park
23 sign right there is very close to the Boland River.

24 (indicating)

25 Q. Why did you believe that bridges were

1 unnecessary on that river?

2 A. Well, the Boland River is not the
3 waterways park, but it is a designated canoe route.
4 The local district issues -- you know, a thing like
5 this. (indicating) This is for the Wenebegan canoe
6 route. It's maps and a whole description of the canoe
7 route and so on.

8 So the Boland River is a designated canoe
9 route. I accept that it is also a very rich area
10 timberwise. It's also rich in non-timber values in the
11 sense that it's a canoe route and it has a lot of
12 wildlife values as well.

13 There already is a bridge across to an
14 area, which you be able to see on some of my slides.
15 The bridges that they are proposing, originally I
16 believe there were two bridges proposed and I was just
17 concerned that --

18 MR. MARTEL: How long is this river?

19 THE WITNESS: The Boland?

20 MR. MARTEL: Yes.

21 THE WITNESS: It runs -- well, I will
22 show you better on this map. Is that okay, can I show
23 you --

24 MR. MARTEL: Yes, sure.

25 THE WITNESS: Or is it on this map. I

1 hope it is.

2 ---Discussion off the record

3 MR. LINDGREN: Do you have an objection
4 if we mark that as an exhibit? Could you obtain
5 another copy?

6 MS. BLASTORAH: I don't know if that is
7 necessary, Mr. Lindgren. All of the discussion was off
8 the record, I assume, and I don't particularly require
9 it to be marked. I don't know how other counsel feel
10 about that. I don't want to take Mr. Robinson's only
11 copy.

12 ---Discussion off the record

13 MR. LINDGREN: Madam Chair, this would be
14 an appropriate time for the break.

15 MADAM CHAIR: Mr. Lindgren, do you have
16 another witness lined up to follow Mr. Robinson?

17 MR. LINDGREN: Yes, we do.

18 MADAM CHAIR: And it would be your plan
19 that another witness would start at some point today?

20 MR. LINDGREN: Probably later this
21 afternoon.

22 MADAM CHAIR: All right. Thank you.

23 MS. BLASTORAH: Could I ask Mr. Lindgren
24 how long he expects to be after the break?

25 MR. LINDGREN: That's a good question.

1 Probably 45 minutes plus the slide show.

2 MS. BLASTORAH: So likely to lunch
3 probably.

4 MR. LINDGREN: I might finish before
5 lunch.

6 MS. BLASTORAH: Okay, thank you.

7 MADAM CHAIR: The Board will be back in
8 20 minutes.

9 ---Recess taken at 10:30 a.m.

10 ---On resuming at 10:50 a.m.

11 MADAM CHAIR: Please be seated.

12 Mr. Lindgren.

13 MR. LINDGREN: Thank you, Madam Chair.

14 Q. Mr. Robinson, prior to the break we
15 were discussing the comment sheet that you filed with
16 respect to the new timber management plan, and I
17 understand that Appendix B is the reply that you
18 received from the Ministry of Natural Resources with
19 respect to that comment sheet.

20 Can I ask you to turn to Appendix B.

21 A. Yes, I have Appendix B.

22 Q. In the second paragraph, there is an
23 indication that the MNR notes your concerns about the
24 size of clearcuts.

25 "The size of clearcuts are determined by

1 the timber management guidelines for the
2 Protection of Moose Habitat implemented
3 in this district for the 1990 to '95
4 timber management plan. The size will
5 vary due to timber type and uses of the
6 area by moose."

7 Do you have any concerns or comments
8 about that statement?

9 A. Yes. I have a concern about, I
10 guess, the Moose Habitat Guidelines and the featured
11 species concept that that represents, I guess.

12 I had to go and get the featured species
13 concept explained to me and I got it explained by
14 several people, Ministry people several times. My
15 understanding of the featured species concept is that,
16 using moose as an example, if you manage a given area
17 for moose, that you will automatically be providing
18 habitat and taking care of 70 per cent of the other
19 species in the area.

20 I have several concerns that stems from
21 this comment that Mr. Lannin made. Because of the
22 featured species concept, it is my understanding that
23 in an area that is generally known to be a moose area;
24 i.e., they are issueig moose licences for, which in
25 most of the Blind River District there are moose

1 licences issued for them, there doesn't necessarily
2 have to be moose in evidence to require the use or the
3 application of the Moose Habitat Guidelines because the
4 concept is, if you manage for moose, even if there
5 doesn't happen to be one there, you are covering 70 per
6 cent of the other species.

7 My first concern is, and it was partly
8 here and I didn't really realize at that time, it was
9 later in advisory committee meetings in general
10 discussion, I have a concern that some Ministry
11 personnel do not understand stand that concept and are
12 managing only for moose. If moose aren't there, they
13 don't manage and, therefore, there's an absence of a
14 habitat management plan -- or there may be an absence
15 of a habitat management plan in an area. So that's my
16 first concern.

17 The other concern is, what I have been
18 told is that -- you know, naturally I asked: Well,
19 what happens to the other 30 per cent.

20 MR. MARTEL: So do we.

21 THE WITNESS: Right. I was told that the
22 other 30 per cent would be dealt with by site specific
23 applications. In other words, if there was a
24 particular species -- I don't know what 30 per cent
25 aren't covered, let's say it's pileated woodpeckers or

1 something like that, that those would be identified and
2 dealt with on an individual basis.

3 On the other hand, as I have already
4 mentioned, I'm not convinced. You know, they say they
5 are going to have this 30 per cent covered by
6 site-specific conditions or whatever and yet I don't --
7 they haven't been able to convince me anyway and I
8 think -- and there are people in the Ministry, I
9 believe, who would agree that they don't know where
10 everything is, they don't know all where particular
11 species might happen to live, for example.

12 So I'm concerned that that 30 per cent is
13 slipping through the cracks or at least some of 30 per
14 cent is slipping through cracks.

15 So, first off, that the featured species
16 concept isn't understood in some cases and, therefore,
17 applied properly. On the other hand, maybe that's not
18 a good way of doing business in first place if there is
19 a lot slipping through the cracks.

20 A question I have that I haven't been
21 able to -- I haven't had answered yet: Does the
22 Ministry actually have biologists in place to any great
23 degree that deal with non-game species or look
24 specifically at these 30 per cent that are slipping --
25 that are not caught by the featured species concept.

1 So I guess I'm just using this as an
2 indication that what that sentence says to me is that
3 perhaps Mr. Lannin, at that time anyway, was not
4 entirely cognizant of the featured concept and how it
5 should be applied and that that may be a problem.

6 MR. MARTEL: What did you get for an
7 answer when you asked by biologists?

8 THE WITNESS: I haven't really asked yet.
9 That's a concern that I haven't --

10 MR. MARTEL: You haven't put that to them
11 yet?

12 THE WITNESS: No. Actually, someone said
13 something about that to me this summer and I didn't
14 have the answer and I haven't remembered to ask the
15 question subsequently -- like, when I was being asked
16 because people know I am involved in this. Someone
17 asked me that and I said: I don't really know, and I
18 haven't remembered to find out. It now occurs, but I
19 just have to remember to ask it at the right time.

20 MR. LINDGREN: Q. Mr. Robinson, on the
21 bottom of the first page of Appendix B there is a
22 reference to the Poppy Lake and Gallbeak Lake
23 heronries. Are these the heronries that you were
24 referring to this morning?

25 A. Yes.

1 Q. Thank you.

2 A. And also, if I may add, on page 2 is
3 the reference that I made this morning to the fact that
4 I have just been added to the mailing list as of that
5 letter, May 19th, '89 as opposed to earlier on in the
6 process when it was asked if I had received mailings.

7 Q. Okay, thank you. Now, in paragraph 8
8 of your witness statement, you state that in June of
9 '89 you canoed the Wenebagon River and you were
10 disappointed to see a clearcut and access road within
11 30 paces of the river.

12 First of all, can you indicate on the map
13 for the Board the approximate location of the Wenebagon
14 River?

15 A. The Wenebagon is west of the
16 Mississagi, I mentioned it earlier. It runs into the
17 Rocky Island Lake. This is the Mississagi Waterways
18 Park here and the Wenebagon comes down virtually
19 parallel to Highway 129, the Chapleau road, and empties
20 into Rocky Island Lake.

21 Q. Is the Wenebagon River a designated
22 canoe route?

23 A. Yes, it is. That's what this is
24 from. I don't know if you want that.

25 Q. Can you briefly describe what you

1 heard and observed when you came within -- when you
2 approached the timber operations?

3 A. We had quite a nice trip, seen a lot
4 of wildlife and so on and aquatic life and at some
5 point all of a sudden we started to hear machines.

6 At first, I wondered if we were coming
7 close to the highway and we weren't, we checked the
8 map, although I have to admit I'm not exactly sure
9 where I was. I wasn't even sure then. Eventually,
10 anyway, we could hear skidders and yarding machines and
11 trucks and so on.

12 We came around a corner and an entire
13 hillside - I'm not very good at estimating distances,
14 but I would say it was probably over 2000 metres
15 across - was in full view of the river and was not --
16 the trees were all cut, it was a clearcut.

17 Having just, you know, for the last few
18 months getting into that process and now the Canoe
19 Ontario rep, I got out of my canoe and went on the
20 bank and walked towards a clear cut from the riverbank
21 and the operations were going on there while I was
22 standing there. In fact, there was a road right in
23 front of me and a pick-up truck went by me.

24 So I walked, I paced from the road --
25 from the bank of the river to the road at that point

1 and it was 29 steps. So I estimated something less
2 than 30 metres from the road to the bank of the river
3 at that point. The river is very winding and it was at
4 the edge of a bank.

5 Any trees that had been left or most
6 trees that had been left between the river and that
7 road had blown down or they had been taken out. They
8 weren't there anyway. A lot of my pacing involved
9 having to climb over stuff, so I admit some
10 inaccuracies in that measurement method, but it
11 certainly wasn't a whole lot.

12 Trees were down. So I was pretty
13 discouraged by that, that this was a designated canoe
14 route, and my understanding was that canoe routes had
15 reserves and I thought they had viewshed protection,
16 which I found out later isn't necessarily true, but I
17 thought that there were reserves that should have
18 applied in that case.

19 So when I got back -- I can't remember
20 when I contacted the Ministry. I eventually contacted
21 them a couple of months later in writing by letter, but
22 I know I phoned prior to that and I've had several
23 responses. I assume that there would have been a
24 120-metre reserve because in my contact with the
25 Ministry, during information sessions and talking to

1 people, that that was generally in our district what
2 they left on a canoe route, was a 120-metre reserve.

3 So one answer I got was from Mr. Lannin
4 in an advisory committee meeting later on in the fall,
5 I recall, was that it was an unfortunate error, and I
6 guess that pretty well summarizes most of the various
7 comments.

8 One of the comments was: Well, it may
9 have been an access road problem. It took me a while
10 to figure out what they were talking about on that and
11 I must say it was probably another meeting before I
12 finally figured it out, that when a planner - I presume
13 it is a planner - establishes an access road for
14 logging operations, he looks at the map and his aerial
15 photographs and so on and I guess evaluates the
16 topography and whatever is there and says, here is the
17 road corridor -- here is where he figures the access
18 road will go.

19 When he draws that dotted line on his
20 map, that actually implies a corridor. It doesn't just
21 imply the road, it implies -- and I don't know the
22 width of the corridor, but a corridor that would follow
23 this line that he has drawn. It's quite a bit wider
24 than the road. When the logging company or MNR, I
25 guess, or whoever is-making the road goes in they can

1 move the road anywhere within that corridor. With an
2 amendment they can move it outside the corridor.

3 So if they get to a piece of topography
4 that looked okay on the map, on the overhead photos or
5 the map or whatever they used, and in fact it isn't any
6 good, they have to go around it, he can go around it
7 within the bounds of that corridor. So even though the
8 corridor is here, the road may go right over the edge
9 of the road corridor.

10 Well, when the guy is putting on the
11 dotted line for the road, and I understand this is a
12 mistake that can possibly happen, he puts the dotted
13 line on and he sees that is where the road is going and
14 he sees that the river is way over here, but in actual
15 fact, you know, the corridor is over within -- much
16 closer to the river and when the road actually goes in
17 around a hill or something it comes in close to the
18 river, much closer than it really was intended, but is
19 still perfectly within the bounds of what's allowed.

20 So I had that as a possible explanation -
21 it wasn't site-specific. That was explained to me and
22 said, that might have been what happened. I don't
23 know.

24 Just recently, a week ago, in talking
25 with -- someone from the local office called me and

1 wanted to confirm where that clearcut was that I had
2 viewed. I tried to explain and we sort of agreed on
3 what cut it was and, at that time, the comment was
4 made that possibly that cut, when it was planned, it
5 was prior to the 120 metre boundary being established
6 as the guideline in the district and that may be they
7 are leaving only 30 metres was perfectly acceptable
8 under the plan at that time.

9 However, that was being cut in 1989, so
10 it should have been under the '85 to '90 timber
11 management plan and I stand to be corrected, you would
12 have to check with the Ministry, but I think that the
13 120-metre was the guideline that they were using during
14 that timber management plan.

15 In any case, it certainly was an
16 unfortunate error. However, it occurred and it
17 certainly detracted from the experience of canoeing the
18 Wenebegon

19 Q. Thank you. In paragraphs 9 and 10
20 you indicate that in August, 1989 you flew over and
21 walked over clearcuts in the Peshu Lake Crown
22 Management Unit and that you took several photographs;
23 is that correct?

24 A. Yes.

25 MR. LINDGREN: Those photographs, madam

1 Chair, have been filed with the Board and provided to
2 the parties?

3 THE WITNESS: Can I indicate some of
4 motivation for doing that?

5 MR. LINDGREN: Q. Certainly.

6 A. Again, this is history and feelings I
7 had at that time to some degree have changed, things
8 have changed, people have changed, attitudes have
9 changed, to some extent, but at that time, that summer
10 of 1989, I was very disgruntled.

11 The advisory committee had still not met
12 and it had, as far as I knew, been formed in November
13 of 1988. There is a comment Mr. Lannin made that he
14 tried to call a committee meeting in July of '89, I was
15 back in the hospital and unable to attend, and I credit
16 him for that, for trying to get a meeting together.
17 However, that was July of '89 on a committee that I
18 thought was going to at least get started early in the
19 new year, if not in the previous fall.

20 So as far as I knew in that summer, the
21 advisory committee hadn't meet. I had maintained some
22 contact with people in the Ministry, phoning and
23 finding out what was going on, that sort of thing,
24 because I couldn't get to the information sessions.

25 One of the things that I found out about

1 was that one of the proposals at the information
2 session in March on the draft plan had been that on the
3 Mississagi Waterways Park 120 metre AOC would be
4 established outside the park boundary, which is already
5 120 metres.

6 In the summer, my contacts indicated that
7 that had been withdrawn, that was no longer there
8 without -- I'm sure everything was the proper process
9 and everything, but it was taken out and I only found
10 out that it was taken out because someone happened to
11 mention it to me.

12 The reason given to me was that - when I
13 inquired officially, I believe it was from Mr. Lannin,
14 but I'm not sure - was that that AOC was not consistent
15 with applications in other districts that that park
16 runs through. The waterways park runs through three
17 districts: Chapleau, Espanola and Blind River, and
18 that that approach was not consistent with the other
19 districts.

20 The industry, I believe it was the
21 Chapleau District, did not feel that that applied to
22 their area and that it was too much of a loss in volume
23 or something like that. Some of that is just what I
24 heard in talking with people, but the official answer
25 was that it was not consistent with other districts and

1 that was a directive from regional level in Sudbury.

2 Q. Mr. Robinson --

3 MR. MARTEL: Was that withdrawn without
4 any discussion, just withdrawn by, you say, the
5 Sudbury --

6 THE WITNESS: My information is that the
7 regional office said: No, you can't do that and it was
8 taken out of the plan.

9 MR. MARTEL: It wasn't discussed, though?

10 THE WITNESS: It was not discussed with
11 me as a member of Canoe Ontario or a member of the
12 advisory committee or anything. I only heard about it
13 on a sideways sort of fashion.

14 It also -- I mean, the local planning
15 team, the district planning team had all agreed to
16 that. The district manager said: That's fine, we can
17 cope with that.

18 MR. LINDGREN: Q. And had it been
19 displayed at the --

20 A. It had been explained at the March
21 meeting, or at least I had been informed of it at the
22 March meeting. I can't honestly recall if I saw it on
23 a map, but that was the proposal by the district level
24 and the planning team had agreed to that. The regional
25 office said, no, for whatever pressurs.

1 So these things -- plus I had just
2 witnessed the situation on the Wenebegon River and I
3 was still concerned about the bridge over -- proposed
4 bridge over the waterways park which, to me, in my
5 perspective, was a travesty if it was built and
6 contrary to guidelines.

7 So I was pretty upset and I didn't feel
8 that I was getting any reaction in an official sense in
9 that the advisory committee wasn't meeting and that I
10 continued to feel was the forum, you know, for getting
11 some action taken on these issues. That is why I went
12 and -- it just happened a friend was visiting and he
13 flew into town and I said: Hey, do you want to go for
14 a flight and he said: Sure. I took my camera on a spur
15 of the moment idea and said I am going to take pictures
16 of some of these things and I am going to send them
17 away and I'm going to see what kind of action I get
18 now. That was a fuction partly of my state of mind at
19 the time.

20 Q. Mr. Robinson, perhaps I can refer you
21 to interrogatory No. 2 from the OFAH in Exhibit 1476,
22 and in the bottom paragraph there is a description of
23 the evolution of- the reserve outside the Mississagi
24 Waterway Park.

25 Before I ask to you to discuss that, can

1 I ask you whether or not you know what the
2 prescriptions were for the park in the other districts?

3 A. No, I don't know. I believe -- I
4 don't know for sure. My understanding is that there is
5 no AOC beyond the 120-metre park boundary. I do know
6 that there is a very vocal group working out of
7 Biscotasing who are very upset with the way the park
8 has been managed.

9 Q. And which district is that in?

10 A. That's in the Chapleau District, and
11 that they have been, I guess, inputting or whatever to
12 try and have some changes made to the park there.

13 Perhaps it is important for the Board to
14 realize that the Mississagi Waterways Park has been in
15 existence at least 11 years, I think closer to 12 or
16 13. In that time, there has been no management plan
17 established, there has not even been an interim
18 management statement made which, I understand, is
19 supposed to have happened.

20 Partly because of the haranguing that has
21 gone on, I have been told that this summer some studies
22 were undertaken so that a management plan could be, you
23 know, worked on, but I was told earlier on, a year or
24 so ago when I talked to Mr. Norm Richards from the
25 Parks Branch, that there are a lot of parks without

1 management plans and that's partly a function of money
2 and manpower that's available to do that, and he said
3 at this time the Temagami situation is sucking up a lot
4 of money and he didn't know if funds could be allocated
5 for the Mississagi Waterways Park.

6 Anyways, that's the state on that. I
7 don't know exactly what's happening in the other
8 districts. I know that there is some action by
9 interested groups outside the MNR to have some changes
10 made.

11 Q. Now, in your response to question No.
12 2 from the OFAH, you indicated that you had proposed --
13 this is after the Ministry proposal, you had supported
14 the 120 metres plus viewshed protection and then you
15 revised that to a standard 200-metre boundary reserve.

16 Can you explain how that came about?

17 A. Okay. The 120-metre reserve, the
18 planning board all agreed, was cancelled. So in my
19 contacts I still -- I think this was still on a private
20 nature, dealing, phoning and so on to the office. I
21 said this buffer should be reinstated. This 120-metre
22 AOC should be reinstated. I then at some point came
23 across what I refer to as the blue book. I forget what
24 it's actually called.

25 MR. LINDGREN: Madam Chair, this is

1 attached to the interrogatory response. It is entitled
2 Provincial Parks Planning and Management Policies, and
3 there is an excerpt attached from that document.

4 MR. MARTEL: What was the name of it?

5 MADAM CHAIR: (indicating)

6 MR. MARTEL: Okay.

7 THE WITNESS: Anyway, I was asked: Why
8 do I insist on this extra 120 metres which they said
9 they couldn't do and I had several reasons.

10 My first reason, I said: Well, because
11 the current park boundary has been infringed on in so
12 many cases by logging operations, that in three out of
13 four areas that I checked the 120-metre boundary that's
14 supposed to exist had been -- you know, it's gone.

15 So, I said: If the situation is that you
16 can't run a line and have it adhered to, then let's
17 make the line a lot further out, so that when the
18 mistakes happen at least they are further away and
19 don't have an impact. I was told tha the Ministry
20 doesn't have a guideline or policy to -- that wasn't a
21 rationale that could be used to justify an AOC. You
22 can't say: Well, we will make an AOC to protect
23 against trespasses because trespasses aren't supposed
24 to occur and our system will look after, which can
25 happen. That was one reason.

1 The other reason was I came in contact
2 with this parks planning management policies and it has
3 set out, and I refer you to that in the
4 interrogatories, land and water use. It says, and this
5 is partway down:

6 "The boundary shall not be less than 200
7 metres from the shoreline. This is a
8 minimum standard to protect
9 representative waterway corridors and
10 protect scope and protection for
11 recreational water travel activities.
12 It shall not normally exceed two
13 kilometres from the shoreline except
14 where...exist which include features.
15 Where water route passes through a large
16 lake where some of the water is a
17 shoreline... discretion shall be used to
18 determine the extent of the remote waters
19 and shorelines to be included in the
20 waterway."

21 Just prior to that, it also says:

22 "The boundary will be determined on the
23 basis of lines of site..." which is
24 suggesting a viewshed protection,

25 "...and contiguity of land forms and

1 natural and cultural feature..." which
2 refers to size specific buffers.

3 You know, if there happens to be near
4 this waterways park a historical site of some sort of a
5 natural sight of significance, then a site-specific
6 boundary can be or buffer can be established greater
7 than, you know, what the...

8 So at the point I read that and I said:
9 well, this viewshed idea, I like that concept, that
10 makes sense, and yet I guess where I was in
11 disagreement was in the minimum. Let's go with a
12 viewshed, but at some point there is a minimum and I
13 have not yet come to agree with the Ministry's position
14 on this particular minimum in the timber management
15 plan in my area.

16 So at first I said: Okay, 120 metres,
17 which is what you propose, and then I said: Well,
18 let's do the 120 metres and this viewshed. They said
19 we couldn't defend that. I was told I couldn't defend
20 it on the basis of the fact that trespasses were made,
21 and I said: Okay. Well, your blue book -- using the
22 blue book, you can say at least 200 metres from the
23 water which is an additional 80 metres over the
24 existing park boundary as a minimum. So I backed off
25 to that point because the guideline again.

1 So my final position was -- up to that
2 point was a 200-metre reserve with a viewshed. Then
3 with more investigation, I started to find out that
4 this really had never been studied. There had been no
5 science studies, no natural history studies and stuff
6 done along there, at least to the best of my knowledge.
7 That's what I was told.

8 I started thinking, if they are going to
9 do site-specific extentions of a buffer where something
10 might occur, a scenic area or a natural science area or
11 something, what's the point of going and logging an
12 area out and then go and study it and say: Yes, there
13 used to be a nice something there.

14 So, at a later date to the advisory
15 committee I said: Look, until this management plan
16 gets establish or at least some of the studies get
17 done, I think we should establish a larger buffer, like
18 maybe a minimum of 500 metres until such time as we
19 know what's there, and a viewshed.

20 So that's sort of the history of that
21 buffer. At that point, when I suggested that, other
22 members of the advisory committee, in particular the
23 logging industry representative with whom I have a very
24 good relationship, said that it was just out of the
25 question, it was just too great a withdrawal of volume,

1 timber, from production or potential production.

2 He and, I guess, the economic development
3 officer both complained that once you assign an area
4 as a study area it takes them forever and we will never
5 see it again. It will be gone and lost in study
6 forever. So in a sense the whole suggestion was not
7 taken seriously for more than a couple of minutes. It
8 was just: You have got to be crazy, Robinson, what do
9 you think.

10 MADAM CHAIR: Mr. Robinson, is it your
11 understanding that the excerpt from the Ontario
12 Provincial Parks Planning and Management Policy
13 document that you put before us, that the date of June
14 the 7th -- it's dated June 1978, and do you understand
15 that that's current?

16 THE WITNESS: As far as I know it's
17 current. I have also been given the argument, I
18 suppose, from the Ministry that these guidelines do not
19 apply to the Mississagi Waterways Park because it was
20 established prior to these guidelines being written.

21 So I said to the district advisory
22 committee, I said: Well, legally you don't have to
23 follow those because it was established in the spirit
24 of what your Ministry and your specialists recommend,
25 why wouldn't you adhere to it anyway. It's not a

1 question of whether you have to or not, why wouldn't
2 you do what is right.

3 Their final position, as far as the
4 existing timber management plan, to the best of my
5 knowledge, does not meet these minimum specifications.

6 MR. LINDGREN: Q. Mr. Robinson, if I
7 understand --

8 A. There's another point on that, too.

9 Q. Go ahead.

10 A. A reaction to that comment about the
11 park not having to adhere to this guideline prompted me
12 to phone Mr. Norm Richards who, at that time anyway,
13 was head of the Parks Branch - I guess he still is, I
14 don't know - and I asked him if this had to apply and
15 in a letter I wrote -- I don't remember which one it is
16 now.

17 Q. Are you referring to Appendix L which
18 are the minutes from the December 13, 1989 meeting?

19 A. It could be, yes.

20 Q. Page 5.

21 A. Yes, page 5 of Appendix L. It was to
22 the advisory committee. Mr. Lannin was aware that I
23 talked to Mr. Richards. Mr. Richards' response to me
24 was that there was no reason why the park policy, and I
25 call it the blue book, could not apply to change the

1 boundary to 200 metres unless there are some local
2 political reasons.

3 The only local political reason that I
4 had given to me was that it was not consistent with
5 other districts and that it's too much volume loss to
6 the industry.

7 Anyway, later on on that same page, one
8 of the other members, Mr. Morell, who represents the
9 FON on our advisory committee, also agreed with my
10 request for the 200-metre official boundary amendment.
11 Mr. Lannin responded that he is expecting to receive
12 main office direction on the park boundary issue. I
13 have no idea if that main office direction every
14 occurred. I suspect it didn't.

15 The final position on the TMP that I'm
16 aware of is that a viewshed protection has been -- will
17 be implemented with a 30-metre minimum outside the 120
18 existing boundary which does not meet up to the blue
19 book specifics.

20 MR. MARTEL: Did you say in addition to
21 the --

22 THE WITNESS: 120. So basically their
23 position, as far as I can see, is that from the river
24 150 total is the minimum with a viewshed protection.

25 MR. LINDGREN: Q. Mr. Robinson, perhaps

1 I can ask you to flip the AOC map down.

2 You have just indicated the district
3 office has now approved a 30-metre reserve outside the
4 park boundary plus viewshed protection. Can you
5 indicate for the Board where that might be found on the
6 map?

7 A. This pink colour. Now, I don't know
8 if you see the black line all along here. This is the
9 river -- sorry, the park boundary, the black line, 120
10 metres from the river high water mark.

11 MS. BLASTORAH: Mr. Robinson, I can't see
12 the map very well. Can you just indicate where the
13 actual river is as well?

14 THE WITNESS: Okay. The river is this
15 white -- no, it's not that white line. This is the
16 river. This is the Big Island River, little islands,
17 river, river, river up through here, it gets small and
18 large and there's islands and it wiggles around and
19 there is a set of rapids and so on down through here.
20 (indicating)

21 MS. BLASTORAH: Thank you very much.

22 THE WITNESS: It should be exactly half
23 way between these two black lines.

24 MR. LINDGREN: Q. Mr. Robinson, in terms
25 of the viewshed protection that is indicated in pink on

1 that map, do you have any comments or concerns about
2 how the viewshed will be determined, how it will be
3 marked and how it will be complied with?

4 A. Okay. For the benefit of the Board
5 it is this pink here and you can see that in some
6 places it's wider because if there was a hill there it
7 would have to go farther out to be -- cutting not seen
8 from the water and so on. In some places it's narrow.
9 This is where they are indicating it would be 30
10 metres.

11 Well, my impression is that no one really
12 knows if this will work. I mean, it's a nice theory.
13 Mr. Andy Penikett, who is the Park Superintendent for
14 the Mississagi Natural Reserve Park and I guess is
15 responsible for this, I think has been charged with
16 marking that out.

17 He has asked me this past summer if I
18 wanted to go with him to help him with the marking and
19 see how it was going to work and so on and I agreed to
20 it. It's just that our holidays didn't mesh and we
21 couldn't get it to happen. Maybe this winter we will
22 get out on snow machines which may be an easier way of
23 accessing the area anyway and do it that way.

24 I am not convinced. This is a
25 theoretical thing, as far as I know. I heard that in

1 the Chapleau District, when we were trying to establish
2 a viewshed situation, that they actually had to make a
3 model of the river, three dimensional model and stick a
4 flashlight in and look at the shadows and stuff and
5 try and figure out where it went, in spite of all the
6 computer technology that is available today.

7 Mr. Penikett has said to me that as far
8 as he is concerned it has to be done in the field, that
9 this line that they have shown here is just simply to
10 illustrate what it may look like, but it actually has
11 to be done in the field. You have to go sit on the
12 river and look and then try and measure it and identify
13 what you are seeing.

14 As far as I can figure, and there may be
15 other areas where they have done this and it has
16 worked, I don't know, but in this case we don't know
17 really know if it is going to work or how well it's
18 going to work.

19 MADAM CHAIR: Mr. Robinson, what is the
20 approximate width of the widest band of pink?

21 THE WITNESS: Well, because this band of
22 pink is simply illustrating a concept --

23 MADAM CHAIR: It must be wider in a
24 certain area.

25 THE WITNESS: It is certainly wider here.

1 This little width is drawn to represent 30 metres, yet
2 from the river to the black line represents 120 metres.
3 So the pink is certainly not to scale, I don't think.

4 MADAM CHAIR: All right. I just wanted
5 to clarify that the viewshed can extend beyond the 150
6 metres?

7 THE WITNESS: Oh, yes. In fact, the only
8 time it applies is when it's beyond 150.

9 MADAM CHAIR: Right. So that can be
10 substantially wider than --

11 THE WITNESS: Yes, it can. In that case,
12 it may be of more benefit or it may -- with occasional
13 withdrawal of a greater volume of timber than the
14 original proposal. They may actually be losing volume
15 by doing it this way than from the original 130 metre
16 flat outside the park boundary.

17 I don't know. Nobody really knows. I
18 don't know that they can actually come up with a
19 calculation that will tell you the volume lost because
20 they can't accurately tell you where the line is going
21 until it's gone.

22 MADAM CHAIR: If you were involved, if
23 you decide to become involved in the actual marking of
24 this area--

25 THE WITNESS: Yes.

1 MADAM CHAIR: --and if you thought for
2 some reason that there was a timber shortage, the
3 company could convince you - and I am not saying this
4 is the case - but let's say the company could convince
5 you there was very valuable timber that they really --
6 it was necessary for them to get to, and while you were
7 marking that reserve, would you in fact allow the
8 reserve to be made smaller in areas where it wouldn't
9 be possible for canoeist to see operations or hear
10 them?

11 Is there any compromise that would go
12 below the 150-metre reserve or 200-metre reserve,
13 whatever?

14 THE WITNESS: No.

15 MADAM CHAIR: No.

16 THE WITNESS: I'm quite willing to
17 compromise. The blue book states that the range apart
18 from the viewshed is 200 metres to 2000 metres.

19 Within those limits, yes, I'm willing to
20 compromise, but the blue book states, and I believe
21 that is probably written on the basis of experts, from
22 the Ministry presumably, their study and they are
23 saying 200 metres is a minimum to protect the integrity
24 of the river.

25 Whether it is for canoeists or whether it

1 is for wildlife values, I'm not really sure why the 200
2 minimum is there, but it was obviously derived from
3 studies and, you know, it is a recommendation of
4 experts, not me. I am just drawing on that. So I
5 don't think there is any reason to go below the 200
6 metres personally. I can't think of a good reason.

7 It seems to me odd that the way the
8 system -- I guess it's a matter of perspective. We
9 have a 200-metre to 2000-metre limit. If the timber
10 branch or the industry or somebody or the status quo,
11 whatever it is, says: Okay, the minimum is 200 metres,
12 that that's the boundary, unless you can prove to us
13 reasons why we shouldn't cut up to 200 metres.

14 Well, what about the converse perspective
15 of saying: Well, because of all the other values the
16 2000-metre boundary is the limit. Now, as timber
17 extraction people you justify to us how you can get it
18 out of there without a problem. Do you know what I'm
19 saying?

20 Instead of going to the minimum and you
21 have to prove that there is values in there or
22 non-timber values in there that we should leave, why
23 don't we say it's all non-timber values up to 2000
24 metres and you prove to us how you need to take timber
25 values out there, why you have to and how you are not

1 going to disturbing other things.

2 MR. MARTEL: Do you know what's worrying
3 me, we have listened to three witness now over the last
4 couple of days, it almost seems like a war out there
5 quite frankly.

6 I mean, the first witness was Mr.
7 Armstrong, it took almost several years to get some
8 sort of resolution. With the group we heard from --
9 the representative from the group we heard from
10 yesterday, this extended I guess from the '87 to '90,
11 and you have been now been at it for a couple of years.

12 Some time before this hearing is over we
13 are going to find out what it is going to cost or what
14 it is costing in staff time and everybody's time to get
15 a resolution to each of these problems because it
16 boggles the mind to believe that it takes three years
17 to get any type of comprise or any type of decision.

18 I mean it involves foresters, it involves
19 biologists, it is just on and on and on and it just --
20 I don't know how people stay in it that long to try and
21 get a resolution to these problems, quite frankly.

22 The tenacity that that seems to take to
23 get to a resolution of any of these problems is
24 unbelievable. It is just mind boggling, at least in my
25 mind.

1 THE WITNESS: I have a concern that stems
2 from what you're saying, too. You've repeatedly used
3 the word comprises and compromise is a good thing in
4 many instances. There are times, though, in any field,
5 you know, in the medical field, do you want your doctor
6 to come compromise all the time? Do you want me as a
7 teacher to compromise my position when I am educating
8 your children?

9 Sometimes compromise is good. I'll
10 comprise with a student, I'll meet him halfway. In
11 other cases, no. You know, in a classroom or a wood
12 shop situation, safety, you can't compromise safety.
13 There are some things you can't compromise.

14 MR. MARTEL: Let me change the word to
15 resolution of a situation or a final decision.

16 THE WITNESS: I agree with what you're
17 saying.

18 MR. MARTEL: It's just endless.

19 THE WITNESS: All I'm taking from that
20 is -- and this is just an impression in my dealings
21 with the Ministry. If I go into the Ministry with a
22 position, I can count on it being compromised.

23 If I go in with a logical, pointed
24 argument on an issue, here's all the reasons, I'm
25 starting to feel like I have to go in asking for a mile

1 so that I can get 100 feet. Maybe that's an
2 exaggeration. I have to go in with a mile so I can get
3 half a mile - do you know what I mean - because I know
4 automatically that they day I walk in the door that I'm
5 going to -- the position will be compromised regardless
6 of the arguments.

7 Now, people can take me to task on that
8 and that's fine. I'm just saying that's the way it has
9 been with me. Maybe that's not always the case.

10 MR. LINDGREN: Q. Mr. Robinson, I have a
11 final question on that issue. As I understand your
12 testimony, the blue book currently provides for a
13 minimum 200-metre boundary for these kinds of parks and
14 the Mississagi's current boundary is 120 metres; is
15 that correct?

16 A. That's true.

17 Q. Is that an acceptable compromise in
18 your view?

19 A. No.

20 Q. Why not?

21 A. Well, for the reasons I've already
22 stated.

23 Q. Okay.

24 A. The 120-metre boundary, for one
25 thing, is not working and I will show in my photographs

1 where past timber management practices have infringed
2 on the park boundary. Where you leave a boundary --
3 the reason that the Ministry has added 30 metres is
4 because they found a way of justifying it without
5 having -- you know, so they can say: Yes, we
6 compromised, we added 30 metres. Well, we didn't meet
7 your 200-metre minimum, but we're up to 150 now.

8 They use that 30 metres, I believe -- the
9 reason given to me was they could justify that on the
10 basis that it would allow for wind blow. So that the
11 edge of the park, if it is 120 metres and 30 metres of
12 it gets blown down because the wind gets roaring up to
13 whatever miles and hour because of the huge open area
14 and it blows down 30 metres of bush, that at least that
15 will protect the integrity of the park from wind blow.

16 I don't accept that. If their experts
17 are saying: The boundaries shall not be less than 200
18 metres -- you know, I know they are going to give me an
19 argument. This is the one where they pull out of their
20 hat, it's just a guideline. It's an act -- I was told
21 that the 120-metre boundary is an act of legislation
22 and they can't arbitrarily change it.

23 Fine, initiate the process of getting the
24 legislation changed or add on an AOC that in spirit --
25 or in fact meets the spirit of the document.

1 Q. Thank you, Mr. Robinson. Perhaps we
2 could move on to your photographs.

3 First of all, perhaps I can ask you to
4 show the Board the blow-up of the photograph behind
5 you.

6 MADAM CHAIR: Mr. Lindgren, does the
7 Board need to get its package?

8 MR. LINDGREN: I don't believe so because
9 we are going to through the slides.

10 MADAM CHAIR: All right. All the
11 photographs are on slides?

12 MR. LINDGREN: That's correct.

13 MADAM CHAIR: Excuse me, was the map with
14 the pink band on it made an exhibit?

15 MR. LINDGREN: You have made it an
16 exhibit but the number is not marked on yet.

17 THE WITNESS: I didn't write the number
18 on because I couldn't remember what number you said
19 when I went to write it on.

20 MADAM CHAIR: 1478.

21 MR. LINDGREN: Q. Now, Mr. Robinson, can
22 you confirm for me that this is a blow up of photograph
23 No. 8 in your package of photographs?

24 MADAM CHAIR: Do you want to make this an
25 exhibit?

1 MR. LINDGREN: Yes, I would.

2 MADAM CHAIR: 1479, and could you -- what
3 is this again, please?

4 THE WITNESS: I am about to confirm that.
5 I am just collecting my pictures here. What was the
6 question again? How did you phrase that?

7 MS. BLASTORAH: This is already part of
8 the package of photos.

9 MR. LINDGREN: That's right. It's a
10 blow-up of photo No. 8 in the package of slides that
11 have been filed with the Board.

12 MADAM CHAIR: But you are going to leave
13 this with us as a separate exhibit?

14 MR. LINDGREN: That's correct.

15 MADAM CHAIR: Well, let's keep it then.
16 Exhibit 1479 and it is an enlargement of slide No...

17 MR. LINDGREN: Eight.

18 MADAM CHAIR: ...eight in Exhibit 1435.

19 ---EXHIBIT NO. 1479: Blow-up of photo No. 8 in
20 Exhibit 1435 depicting the
21 Mississagi River Waterways
Park.

22 MR. LINDGREN: Q. Mr. Robinson, perhaps
23 you can describe for the record what that exhibit
24 depicts? Where was it taken and when was it taken?

25 A. That was in August of '89 when, as I

1 mentioned, I was somewhat upset about the proceedings
2 and went for a flight with a friend and that's one of
3 the pictures I took. This illustrates -- actually you
4 can see.

5 MR. MARTEL: I am having difficulty
6 seeing it for the glare.

7 THE WITNESS: You are the people that
8 need best to see it, is that true? Does everyone want
9 to come up. It is your package as well.

10 MS. BLASTORAH: I have it right here.

11 THE WITNESS: That river shown here is
12 the Mississagi River Waterways Park. The strip of
13 trees that you see is the strip I referred to, the
14 ribbon along the edge of the river showing what is
15 supposed to be 120 metres.

16 This is, I guess, the western most
17 portion of the the Schulman Township clearcut. When I
18 say that, it's actually been a contiguous cut over
19 several years, as far as I know.

20 You can see here -- I believe it is here,
21 is the landing that I mentioned I had trouble finding.
22 I think it's down in there, although I stand to be
23 corrected on that. I am pretty sure that's it. There
24 is a little set of rapids here. (indicating)

25 As you can see, the area that's been cut,

1 especially up in here along near the river, is really
2 rocky and you see from the slides that there's a lot of
3 bare rock exposed by the cutting and so on.

4 I asked the unit forester, I said: Isn't
5 there -- I felt from being there and looking at all
6 this bare rock that there must be erosion problems and
7 the unit forester said: No, that wasn't a particular
8 problem, big problem. I don't know what else you want
9 me to it tell you.

10 MR. LINDGREN: Q. Mr. Robinson, in
11 Appendix G, there is a letter from the Ministry of
12 Natural Resources to yourself dated November 8, 1989,
13 and in the second last paragraph - this is Appendix G -
14 on the first page there is an indication that:

15 "Unfortunately, an unauthorized cut
16 occurred along and into the Mississagi
17 River Waterway Park (see map). The
18 trespass occurred in December 1984 and
19 resulted in the assessment of penalties
20 against this contractor in accordance
21 with the Crown Timber Act."

22 Perhaps on Exhibit 1479 you can indicate
23 for the Board where you believe the infraction
24 occurred?

25 A. Well, going by the map that's shown

1 over the page on that similar exhibit - I think it's
2 the same exhibit - they have marked the approximate
3 location I think and I don't know -- I think the
4 approximate location they marked is here. (indicating)

5 I suspect, though, that the actual
6 infraction was here from the look of the thickness of
7 the reserve there. I suspect that's where it actually
8 was and when they did it on the map they knew it was in
9 that area. I don't know, but the map attached shows it
10 to to be around here somewhere. (indicating)

11 I subsequently went measuring up here.
12 There's rapids and I tried -- gone by the river by the
13 rapids. I drove in here along this road and our first
14 measurement would have been in about here. (indicating)

15 Q. What were you measuring?

16 A. I was measuring the width of this --
17 of the trees that were left to find out if it was in
18 fact 120 metres thick as it was supposed to be.

19 I went with Ministry personnel and we
20 used a line that he supplied, proper, brand new, in
21 fact, right out of the package, a line for measuring
22 and we measured four areas along the river here,
23 and I'm estimating over a one or one and a half
24 kilometre stretch up river from this infraction.
25 (indicating)

1 The first measurement we made -- and I
2 realize today in going through all my notes that I left
3 my actually notes that I wrote at that time home in
4 Elliott Lake. My memory serves me that the first
5 measurement showed the forest to be 136 metres thick,
6 which in fact exceeded the 120-metre requirement.
7 However, before this area was replanted, prescribed
8 burn was used to site prep the area.

9 You are...

10 MADAM CHAIR: Yes, we are, Mr. Robinson.

11 THE WITNESS: The prescribed burn created
12 such intense heat that it burned 49 metres in passed
13 the 136 measurement. Do you follow what I'm getting
14 at?

15 So the trees actually were still standing
16 136 metres from the river. The outside 49 metres of
17 that were all burned. So the burn had actually carried
18 over into the park. I'm sure prescribed burn is pretty
19 tough to control, but maybe if our AOCs were bigger
20 then it wouldn't be a problem.

21 The next three measurements I made were
22 all less than 120 metres.

23 MR. LINDGREN: Q. Can you indicate on
24 the exhibit where those measurements were?

25 A. I can only illustrate in general

1 terms that they were up river from that point. We
2 parked here and we eventually came out up here, so they
3 were along this road. (indicating)

4 One of the measurements was 80 some
5 metres. One I think was 103 or 98. The one I remember
6 quite --

7 MS. BLASTORAH: I'm sorry, Mr. Robinson,
8 Mr. Huff coughed just as you said that and I didn't
9 hear you.

10 MR. HUFF: I'm very sorry I coughed.

11 MS. BLASTORAH: No insult intended, Mr.
12 Huff, I just didn't hear the answer.

13 THE WITNESS: Of the three subsequent
14 measurements, one was 85 metres I believe or 83 metres,
15 one was around a hundred. I'm trying to remember if it
16 was 97 or 103. It seems in my mind that it was three
17 metres either way of a hundred, but I can't remember
18 for sure.

19 The one that sticks in my mind was one
20 where the forest was in fact only 46 metres.

21 MR. LINDGREN: Q. Perhaps, Mr. Robinson,
22 you can go to Exhibit 1478.

23 MR. MARTEL: Before he does that. Where
24 you had those places, were they for extended periods
25 of -- I mean, you measured from the shoreline to the

1 edge of the reserve and you got a spot, then did it
2 immediately flourish out or were these --

3 THE WITNESS: No.

4 MR. MARTEL: It extended for some period
5 of time then?

6 THE WITNESS: You can see the consistency
7 here.

8 MR. MARTEL: I just wanted to confirm
9 that.

10 THE WITNESS: Along here, there is a
11 narrow section here. My measurement probably -- I'm
12 just guessing, there is a narrow section in here.

13 There's a flourish, as you mentioned. It
14 was probably a hill that they could -- there is another
15 section, I think it's up here, or it may have been
16 around this bend, one of these bends, where there is a
17 meadow. Remember I mentioned about meadows, it's one
18 of these areas up here that there's a meadow.

19 MS. SEABORN: I am wondering if Mr.
20 Robinson could maybe put those markings on a piece of
21 masking tape or something and place them--

22 THE WITNESS: They would only be
23 approximate.

24 MS. SEABORN: --on the picture in the
25 general areas. It's going to be difficult in the

1 transcript for us to know later on what areas on that
2 exhibit --

3 MR. LINDGREN: Madam Chair, to save the
4 integrity of that photograph, I would prefer if Mr.
5 Robinson marked those locations on Exhibit 1478.

6 MS. SEABORN: That's fine, as long as we
7 know where the area that Mr. Robinson is referring to.

8 THE WITNESS: The one about the
9 trespass, that Frank sent in the letter, is in that
10 area.

11 MR. LINDGREN: And that's marked with
12 blue pen.

13 MS. BLASTORAH: Maybe you could mark that
14 one.

15 THE WITNESS: One. That's the trespass
16 that was charged -- the charges were laid for. My
17 measurements --

18 MR. LINDGREN: Q. Perhaps you can take a
19 red marker and just make a stroke at the location of
20 the river where the measurements were taken or where
21 you took them.

22 A. I'm guessing somewhere in around
23 here. (indicating)

24 Q. Between those two red lines you took
25 four measurements?

1 A. Yes, three of which were infractions.
2 The fourth had a prescribed burn into the park.

3 Subsequent to that time, the park
4 personnel that took those measurements with me, two
5 other the measurementss, both of which indicated - I
6 don't have the measurements - but the are both less 120
7 metres.

8 The other issue surrounding this picture,
9 in a sense, is these roads, particularly this one.
10 (indicating) The advisory committee in the few
11 meetings that we had, probably the greatest priority or
12 one of the main priorities that came out of them was
13 concern about access roads and the damage that they do
14 to the other values by providing certain access.

15 These access roads along here are so
16 close to park that personnel from the Blind River
17 District, after my measurements were made and while
18 they were up there, did some more looking and found I
19 believe at least three illegal habitations established
20 in the park boundaries. I think there was a fourth
21 that was --

22 MR. CASSIDY: What was that word,
23 illegal...

24 THE WITNESS: I call them illegal
25 habitations, some of them set up a camp in the park.

1 MR. CASSIDY: I'm sorry, I didn't hear
2 you.

3 THE WITNESS: Hunt camps or fish camps or
4 whatever. One place was a little trailer.. Because of
5 the road they managed to get the trailer close enough
6 and then they just cut a trail through the bush down
7 the river so that they had this nice little camping
8 area. I think those were destroyed.

9 One of the results of the advisory
10 committee was that Mr. Lannin indicated to me that in
11 the new timber management plan, which will include this
12 forest up here, parts of it shown on there, they have
13 agreed to not allow extraction roads within 300 metres
14 of the park boundary, and I think that was an excellent
15 proposal put forth by him because access roads are,
16 indeed, a problem.

17 To the best of my knowledge, that has
18 been agreed upon by the Ministry and will be used in
19 their planning process. So that the only thing that
20 would come closer than the logging roads would be the
21 skid trails. That's my understanding and I think that
22 was good.

23 MR. MARTEL: Did you say 300 metres of
24 the reserve or the river?

25 THE WITNESS: Now that you ask me I can't

1 remember. I think it's 300 metres of the park
2 boundary.

3 MR. MARTEL: Beyond the park boundary?

4 THE WITNESS: Yes. The road will not
5 come within 300 metres of the park boundary.

6 MR. MARTEL: The outside park boundary is
7 what I am just trying to establish.

8 THE WITNESS: Yes, I believe. Now, I'd
9 have to go back and check to be absolutely sure, but I
10 am pretty it is of the park boundary.

11 MADAM CHAIR: And the park boundary now
12 is 120 metres or 150 metres.

13 THE WITNESS: It's 120. They can't
14 legally change the park boundary, so the park boundary
15 is still 120. They have assigned a minimum 30 metre AOC
16 outside that. So, in fact, the edge of the bush, the
17 edge of the ribbon will be 150 metres except --

18 MS. BLASTORAH: If it assists -- I'm
19 sorry, Mr. Robinson. If it assists, Mr. Martel, I am
20 able to confirm from the information I have that what
21 Mr. Robinson says is correct if we wishes to check for
22 himself.

23 THE WITNESS: I would appreciate that if
24 you can confirm that.

25 MS. BLASTORAH: That is correct.

1 MR. LINDGREN: Mr. Robinson, before we
2 move to your slide show, I am showing to you a copy of
3 Exhibit 1013 in this proceeding. I just have a black
4 and white photograph of it.

5 A. You mean this one? (indicating)

6 Q. Yes. Did you take that photograph?

7 A. Yes, that is, in fact, I think that
8 photograph. (indicating)

9 Q. No, I think--

10 A. Maybe it's No. 9.

11 Q. --it is No. 9. Perhaps you can
12 confirm that?

13 A. Yes, it's No. 9. Unfortunately, in
14 this, the production people flipped the negative over.
15 When they produced this photograph No. 9 it should have
16 been reversed.

17 It should look like this. This is the
18 actual and this is another picture of that same area
19 showing a little more of the cut, showing -- this lake
20 is right there and it's showing a little more of the
21 lake.

22 Q. Mr. Robinson, the lake that you have
23 just indicated, as far as I can determine, has very few
24 trees left around it. Do you have any concerns about
25 that?

1 A. Yes, I do. I don't know why it
2 happened. Unless a value is identified by somebody,
3 then often it's not accepted as a value or just
4 overlooked or something. I don't know what happened in
5 in that case. There may well be a 30-metre buffer
6 which would be provided by the fisheries guidelines, so
7 there may be 30 metres around there. I'm not really
8 sure. It doesn't look like much, and if there is a lot
9 of it is down. There does look to be some.

10 Presumably no one indicated a concern of
11 that, so it just went with the minimum fisheries thing.
12 I will show in my slides that -- I don't know. I said
13 this is at an advisory committee and I got laughed at,
14 so I will say it here again and you can laugh at me,
15 too, if you want.

16 I told me them that any lake or river
17 that can float a canoe, as far as I'm concerned, is a
18 canoe route. It's not designated, it's not official,
19 but to me as a canoeist there are lots of canoeists.
20 One of my greatest enjoyments is to go to little used
21 lakes. At some point, someone may use that lake for a
22 recreational value. Why don't you treat it like that,
23 and I got laughed at, that this is ridiculous, do you
24 know how much timber that would take out of volume and
25 why treat for a value that might happen down the road.

1 So I don't know, maybe I'm out to lunch
2 on that, but it just seemed to me that a lake is a lake
3 and sometime it is probably going to get used by a
4 fisherman or a hiker or a canoeist or a naturalists or
5 maybe there are animals and wildlife that need to use
6 that lake.

7 I have a hard time accepting that a
8 30-metre buffer around a lake is satisfactory to
9 provide habitat for animals that orient to the water.
10 It may provide that the siltation won't occur in the
11 lake and ruin the fisheries, but there's a lot of other
12 animals other than fish that use the area around a body
13 of water, the related ecosystem, as it were.

14 MR. LINDGREN: Madam Chair, this is the
15 point that I believe Mr. Robinson would be commencing
16 his slide show.

17 MADAM CHAIR: How long is your slide
18 show, Mr. Robinson?

19 THE WITNESS: Well, it depends how
20 verbous I get and how many questions people ask.

21 MADAM CHAIR: I forget how many slides we
22 have.

23 MR. LINDGREN: There are 22 slides in the
24 first package and then he has subsequently filed 15
25 additional photographs that were taken, I believe, two

1 or three weeks ago.

2 MADAM CHAIR: Why don't we break for
3 lunch first, Mr. Robinson.

4 MR. LINDGREN: Sure. I can advise my
5 friends that after we go through the slides I have a
6 few other questions about the advisory committee
7 process, because that's the stage in the chronology
8 that we are at, and then I will be finished.

9 MADAM CHAIR: All right. We will be back
10 at 1:30 and it sounds like you are going to take an
11 hour at least when you come back to do the slide show
12 and...

13 MR. LINDGREN: Mr. Robinson is nodding
14 his head and I guess I am as well.

15 MADAM CHAIR: How long will you be, Mr.
16 Cassidy, in cross-examination?

17 MR. CASSIDY: At this point I have no
18 questions.

19 MADAM CHAIR: All right. Ms. Seaborn,
20 are you questioning?

21 MS. SEABORN: I have two questions, Madam
22 Chair.

23 MADAM CHAIR: Ms. Blastorah?

24 MS. BLASTORAH: I don't expect to be very
25 long. I'm guessing, but I would think maybe an hour,

1 around that neighbourhood.

2 I did give Mr. Lindgren one document. I
3 think that's all I am going to be filing, an excerpt
4 from our terms and conditions to give to the witness,
5 and perhaps if Mr. Robinson can read that over the
6 lunch hour that would help speed things up.

7 MADAM CHAIR: Okay. You have another
8 witness ready to go on today, Mr. Lindgren?

9 MR. LINDGREN: That's correct, Madam
10 Chair.

11 MADAM CHAIR: Mr. Martel and I were just
12 wondering if you think he is going to be needed this
13 afternoon.

14 MR. LINDGREN: Well, again --

15 MR. MARTEL: I don't think so.

16 MADAM CHAIR: I think we are pushing it
17 awfully close to four. We just don't want someone
18 having to -- is your witness in this room?

19 MR. LINDGREN: Yes, he is.

20 MS. BLASTORAH: I am estimating an hour,
21 it could be less, Mrs. Koven. I am afraid I can't be
22 much more help at this point. We haven't seen the
23 slides yet.

24 MR. CASSIDY: There is a scoping session
25 at four o'clock as well.

1 MADAM CHAIR: We have got a scoping
2 session at four. If your witness has something else
3 that they have to do this afternoon they can do that.

4 MR. MARTEL: He might not consider this
5 the best show in town.

6 MADAM CHAIR: We will be back at 1:30.

7 Thank you.

8 ---Luncheon recess taken at 12:00 p.m.

9 ---On resuming at 1:35 p.m.

10 MR. CASSIDY: Madam Chair, if I could
11 raise one minor matter.

12 I went back to my office at lunch time
13 and I was having a conversation with my secretary who
14 advised me that she is receiving a number of phone
15 calls lately from various people on the full-time
16 parties list who are not in attendance at the hearing
17 with any degree of regularity, who advise her of
18 changes to their address.

19 She is under the impression that - based
20 on what she has told me I think she's right - that
21 these people may believe that I am preparing the
22 full-time parties list.

23 MADAM CHAIR: Why would they believe
24 that, Mr. Cassidy?

25 MR. CASSIDY: You would have to ask them,

1 Madam Chair, it beats me. Perhaps because I have a
2 tendency to send out a lot more faxes than other people
3 do. So I am not really sure except that that
4 impression may exist out there.

5 What I would suggest, just for your
6 consideration, is that Mr. Pascoe, when he updates the
7 list next, might ask in his covering fax to these
8 people that if anyone else wishes to notify Mr. Pascoe
9 of a change of address, please do so.

10 We are happy to pass that information on.
11 In fact, I have given my secretary standing
12 instructions to do so, but just a point of some
13 amusement, but also we wouldn't want to have anybody
14 under the impression that one of the parties is
15 preparing their full-time parties list.

16 MADAM CHAIR: All right. Thank you, Mr.
17 Cassidy.

18 Mr. Lindgren.

19 MR. LINDGREN: Thank you, Madam Chair.

20 Q. Mr. Robinson, I guess we are ready
21 for your slide show, so perhaps if you could come over
22 to the slide projector and show these slides to the
23 Board.

24 Mr. Robinson, for each slide, could you
25 please describe what is being depicted and whether or

1 not you have concerns or comments about what is being
2 depicted?

3 A. Sure.

4 MR. LINDGREN: Madam Chair, for the
5 record I can indicate that this is the first photograph
6 in the package that have been filed with the Board.

7 MADAM CHAIR: How many photos were there
8 again, Mr. Lindgren? You told me and I forgot.

9 MR. LINDGREN: There were 22 photographs
10 filed originally with the Board and then last week
11 another 15 were filed.

12 This is the first photograph of the
13 original package of slides filed with the Board and
14 provided to the parties.

15 MADAM CHAIR: So the additional 15 are
16 still part of Exhibit 1435?

17 MR. LINDGREN: I believe Mr. Pascoe filed
18 them in that binder, Madam Chair.

19 THE WITNESS: This picture was basically
20 when I did my flight in August of '89 that I referred
21 to. I flew out of the Elliott Lake airport and
22 essentially north. What you are looking at is a series
23 of block cuts adjacent to the Boland River.

24 This thing in here, this is the Boland
25 River, that little line you see in the trees.

1 On the other side here, it's not very
2 visible, is the road, the access road comes through
3 there somewhere. There's a bridge crossing in there
4 somewhere, the extention of this road. I would like to
5 give you a little bit of history on the Boland River
6 cutting area, the Boland River valley because I think
7 it is relevant to indicate some of the past practices
8 that have occurred.

9 This is upstream and up the road quite a
10 ways, about seven kilometres, six or seven kilometres -
11 I'm guessing - from where you would turn on to the
12 Boland River Road from the highway north of Elliott
13 Lake.

14 Mississagi Provincial Park would be back
15 out, you know, off the photograph before you get there.
16 Before you get to this section, there is basically a
17 plantation area that's been all replanted.

18 I believe in the early mid 70's, a
19 company Champlain Forest Products applied to cut in
20 that area. It's a veneer plant -- or was a veneer
21 plant I think in Blind River, and they applied to cut
22 into the Boland River valley and they wished to high
23 grade cut. They asked that, I guess, of the foresters
24 and the foresters denied them that, I understand,
25 citing that high grading is not really an appropriate

1 forest harvesting technique, leaving what to the
2 logger -- to the foresters seem to be less than good
3 wood to regenerate and so on, it makes a mess of the
4 bush, for whatever reason the forester said no.

5 The company then appealed, I understand,
6 to some political level. I'm not sure which, it was
7 told to me that they appealed to the politicians and
8 that the human cry was, we will shut down and there
9 goes jobs and it turned out to be quite justified.

10 The politician's overruled the forester's
11 recommendations and allowed the high grading to occur.
12 That's not in this section, it is on this road on here
13 before you get to this section. (indicating) They were
14 allowed to high grade in spite of that. Three years
15 later they went out of business anyway, approximately
16 three years. That was my information.

17 So the foresters took a look at this area
18 and felt they had to do something to more or less clean
19 up the mess that was left by high grading and basically
20 went in and did a lot of clearcutting to clear out the
21 area and allow for new regeneration of a higher quality
22 forest, from a timber point of view.

23 That area has been replanted and is a
24 long plantation. There are some other interesting --
25 at least I thought was interesting. When they went and

1 did the clearcutting, they left some seed trees, white
2 pipe seed trees. This was an old growth -- or what I
3 call an old growth, white pine and red pine forest,
4 part of which -- some of the existing red pine stands I
5 have taken my students through with this grade nine
6 program in this area and we did a bore - I don't know,
7 I forget what you call it - an increment or something
8 into the tree and determined the age to be in the
9 neighbourhood of 150 years old.

10 Anyway, they left these seed trees in the
11 hopes that that would regenerate the area and it didn't
12 work. The forester told me that subsequently the
13 Ministry has determined that seed tree cuts, with white
14 pine anyway, don't particularly work with single trees
15 left here and there, but you need to leave clumps of
16 trees. That, I guess, was a learning process.

17 The other thing that I found interesting
18 was the reason for these block cuts which was an
19 attempt by the foresters of the day to cut over an area
20 and leave more areas for moose and other animals to
21 find habitat and travel corridors and so on. So this
22 was an early attempt, and by early I understand it was
23 the mid 70's, to cut with a little greater feeling
24 towards the wildlife of the area.

25 Subsequently, they found it didn't work

1 very well, that because of the way the blocks are the
2 only connection between them was at these corners.
3 These are 40 acre blocks here, I think, 40 acres, which
4 is about less than 20 acres -- or hectares.

5 So the travelling by the animals was not
6 that well facilitated by this and they found since that
7 irregular shaped cuts, block cuts in more regular
8 patterns works better. There are some pictures later
9 on. I will show you more of the Boland River area and
10 they occur up the road upstream that way from this
11 picture. (indicating)

12 MR. LINDGREN: Q. We are now looking at
13 photograph No. 2.

14 A. Actually if you back up a bit, back
15 up one. I think that clearcut, if you can see there,
16 is also visible in the next slide.

17 Q. Again, we are on photograph No. 2?

18 A. This is photograph No. 2. I believe
19 this is Mount Lake. There is one or two
20 recreational -- I guess down here you call them
21 cottagers, we call them camps on that lake.

22 At this end of the lake, there is a
23 wilderness lodge, there's a fly-in outpost service that
24 flies out of this lake as well, and over here there is
25 another lodge on that lake.

1 This is just a clearcut on the south
2 slope. It is not visible for Mount Lake, which I
3 applaud. I don't know what the size of that clearcut
4 is, and I suppose my concern with that particular cut
5 when I saw it is the slope of the hill and the amount
6 of bare rock that's there. Although I'm not an expert
7 on these matters, my logic says there has got to be
8 some erosion problems, but maybe I'm wrong.

9 MR. MARTEL: In the corner to the left --

10 THE WITNESS: Over here? (indicating)

11 MR. MARTEL: That mall lake.

12 THE WITNESS: This is Mount Lake here.

13 MR. MARTEL: There is a body of water
14 here.

15 THE WITNESS: This? (indicating)

16 MR. MARTEL: Yes.

17 THE WITNESS: No, that's not Mount Lake.

18 MR. MARTEL: No, no, it's a body of
19 water, tough.

20 THE WITNESS: Yes.

21 MR. MARTEL: Is that clearcut right down
22 to the shore?

23 THE WITNESS: I doubt it. There looks to
24 be a little fringe of trees here.

25 MR. MARTEL: But that's got a fairly

1 large slope.

2 THE WITNESS: This slopes down. It looks
3 to be sloping quite seriously down to that lake. There
4 could be trees all on that back hill.

5 MR. MARTEL: But the greater the slope,
6 the greater the reserve is.

7 THE WITNESS: Supposed to be, yes.

8 MR. MARTEL: From here you can't see.

9 THE WITNESS: There are little traces of
10 trees sticking up here a bit, but I don't know how
11 much.

12 MR. LINDGREN: Q. Photograph No. 3.

13 A. This is the same thing. There is a
14 road that accesses these lodges, goes all along there
15 and around there and then the cut-off from that road
16 goes up this way, which heads up to Schulman Township -
17 - it's called the Porterlance Road - heads up to
18 Schulman Township which was in a subsequent photograph.

19 Q. Photograph No. 4.

20 A. This cut is on the east side of
21 Rawhide Lake. Mount Lake and Makaray Lake we saw in
22 the last photo.

23 Looking at it this way, if you kept going
24 to the right, there is quite a large lake called
25 Rawhide Lake and that's where this cut is from, on the

1 east side of Rawhide Lake. Some of my locations are a
2 bit approximate. At the time I know roughly where I
3 was. Specific lakes, having never flown over the area
4 before, I couldn't identify some of these little lakes
5 for you, for example.

6 Again, I have a concern over the bare
7 rock and the slope of the land and erosion problems. I
8 don't know the size of clearcut. It has been, you
9 know, two summers, a year and a half going on, that I
10 took these. I can't even remember -- I think it looks
11 fairly large.

12 This is from a distance after passing
13 some of the cuts over by Rawhide Lake. Just looking up
14 at the road that I indicated was the Porterlance Road,
15 looking up that direction. That, I guess, is a full
16 width view from a distance and I'm trying to figure how
17 many miles that would be away. It's a fair ways away
18 anyway.

19 MR. MARTEL: The light green is?

20 THE WITNESS: This is all cut.

21 MR. MARTEL: That's all clearcut?

22 THE WITNESS: That's all clearcut. And
23 that is the width of the cut shown in this picture.
24 This is the left-hand corner over here of that cut.
25 (indicating)

1 MR. LINDGREN: Q. And we are looking at
2 photograph No. 5.

3 A. We might as well move on.

4 Q. This is No. 6.

5 A. This is just as I was flying by. I
6 just kept snapping pictures and this is the same cut, a
7 different section of it.

8 MR. MARTEL: How many hectares? Did you
9 get that figure?

10 THE WITNESS: Yes, that's in appendix
11 something or another. A letter from Mr. Bess, forest
12 manager supervisor, and it was 1,036 hectares according
13 to him.

14 MR. LINDGREN: This is found in Appendix
15 G, Mr. Martel.

16 THE WITNESS: And he does mention in that
17 letter that about -- I think he said 98 per cent or so,
18 most of the cut has been regenerated either by aerial
19 seeding or planting or natural regeneration.

20 MR. MARTEL: Are they calling that
21 contiguous or what?

22 THE WITNESS: Yes, I believe so. It
23 didn't happen all in one year, for example, it was an
24 ongoing sort of thing.

25 MR. MARTEL: They have little green

1 buffers in between.

2 THE WITNESS: Some of these would be
3 left -- I'm not entirely sure these are left because of
4 the cut. I think there is a river there or a creek, so
5 there is some sort of reserve for that reason, the
6 reason of some other values. There is little lakes and
7 rivers and creeks and stuff all the way through it.

8 Q. Mr. Robinson, do you consider that to
9 be a large clearcut?

10 A. Yes, I do. I consider it to be a
11 huge clearcut.

12 Q. Are you concerned with the size of
13 the cut?

14 A. Yes, I am.

15 Q. Why?

16 A. I guess my first reference would be
17 back to the Moose Habitat Guidelines, it seems to make
18 sense to me, and it has been indicated, reading things
19 from this, that the biologist subsequently agreed that
20 anything over 130 hectares is a large clearcut.

21 I have read things in the newspapers and
22 articles some time ago in the Globe by a forester - in
23 fact, I think he was an industry forester - talk about
24 clearcuts, rationalizing the benefits of clearcuts in
25 that article and when he talked about them he talk

1 about 40, 50 hectare clearcuts, he wasn't talk about
2 these ones.

3 And from those sort of readings, from a
4 wildlife point of view I understand that, for example,
5 in a moose -- this one here, I'm wondering if maybe
6 this is a moose travel corridor. Some may be moose
7 travel corridors. What that means is that these moose
8 are supposed to be within 200 metres of cover, and I
9 understand that if, for example, a moose was to try and
10 cross a large open area, say in the middle of winter in
11 30 below weather, they are susceptible to exposure and
12 can die from that.

13 I think that's justification for the
14 guideline -- one of the justifications for the numbers
15 used in the guidelines.

16 Apart from that, it also allows for a lot
17 of wind and so on. With some of these little things
18 that are left, if you get a good wind across there you
19 do, in fact, get blowdown which causes a problem with
20 reserve areas that are left. It doesn't look to me
21 like some of these have any -- some of these are just
22 cut right through.

23 One of the concerns I had when I showed
24 these pictures to a friend of mine, who is a trapper,
25 he was complaining there was no -- in often cases there

1 is not allowance for fur bearing species in some of
2 these things. Although it looks like a little pond, it
3 may be habitat for animals that maybe be interested in
4 harvesting or maybe interested in living there.

5 So, yes, I have a problem with that
6 clearcut based mostly on guidelines. From an aesthetic
7 point of view, for tourism people I believe it causes a
8 problem.

9 I was talking with tourism people from my
10 own local, tourist operators. I have the impression
11 that they feel, to a large extent, what they are
12 marketing in their outpost camps is at least an
13 illusion of wilderness. People pay for that, people
14 pay for the feeling of being away from it all, being
15 isolated and then when they -- if they're full time
16 and -- over this to get their wilderness experience,
17 this illusion is gone and they don't come back.

18 So that's another concern with the
19 clearcut size aesthetic value.

20 Q. This is photograph No. 7.

21 A. Again, this is more of the cut, I
22 believe. That's fine. View of the same.

23 Q. We are now looking at No. 8.

24 A. This is the area that we have talked
25 about quite a bit before.

1 MR. HUFF: What's the exhibit number?

2 THE WITNESS: This looks like Exhibit 1.

3 MR. LINDGREN: Q. What is the exhibit
4 number of the large blow-up?

5 A. 1469.

6 Q. This is the same photograph?

7 A. I think it is the same picture, yes.

8 Q. This is No. 9.

9 A. It is the same area again, a little
10 different section, a little bit up river.

11 Q. This is a photograph depicted in
12 Exhibit 1013, the back cover of Season magazine.

13 A. Yes. I think we already established
14 that this morning; didn't we?

15 MR. MARTEL: The water in the middle--

16 THE WITNESS: This.

17 MR. MARTEL: --is some of that
18 shoreline -- is that totally bare?

19 THE WITNESS: Well, it looks to me there
20 are little sticks here which appear to have not any
21 foliage on them. This may have -- it looks like a
22 swampy area, so maybe -- I'm just guessing, but it
23 doesn't look like there is much reserve.

24 I suspect a 30-metres was left in
25 accordance with the fisheries, but that 30 metres was

1 marked through the trees that may have already been
2 dead because of the water levels and the swamp area.
3 I'm just guessing. There's a little fringe there. It
4 looks like no fringe there. There is, for instance, in
5 spots, fringes along there. (indicating)

6 Again, I am amazed at all this rock, bare
7 rock, and the fact that those supposedly, according to
8 the foresters, doesn't create an erosion.

9 MR. MARTEL: That's not the same as we
10 saw previously. Did you get the age range?

11 THE WITNESS: This is part of the 136.

12 MR. MARTEL: All right.

13 THE WITNESS: This is the end of it. The
14 other pictures were more in the east end of that, that
15 is the west end.

16 MR. MARTEL: I just want to make sure
17 this is the same photograph.

18 MR. LINDGREN: Q. Is this the Schulman
19 Township cut?

20 A. This is the Schulman Township cut.

21 Q. Thank you.

22 A. No. 10. That same flight after we
23 photographed the Schulman cut. We turned east and
24 headed toward the Wenebagon River to -- I was hoping to
25 try and find from the air the cut that disturbed me so

1 much when I was canoeing. I think that's it, but I'm
2 not really sure.

3 It certainly is a cut in the area north
4 of Peshu Lake, near the Wenebagon River system, but I'm
5 not really sure if I captured the same cut-over that I
6 witnessed from the canoe, but that's in the general
7 area of Peshu Lake.

8 Next number. That's an access road near
9 the Wenebagon River and, again, it was - I was just
10 snapping pictures, trying to get shots, trying to see
11 if I can figure out where the cut was.

12 You can see the river which is a canoe
13 route and the road and its proximity which is -- then
14 there is a little cut here. I'm not sure where that
15 is. It comes very close to the river at that point.
16 That's not the point I witnessed from the river.

17 Q. This is No. 12.

18 A. This is again in the same general
19 area, north of the Peshu Lake around the Wenebagon
20 river system. This is kind of clearcuts all over the
21 place; some small, some larger, some reforested, some
22 different stages in the silvicultural cycle.

23 I'm not too sure what this river is here.
24 I'm wondering if it is part of the Wenebagon. I'm not
25 sure it is. It comes close to this. There used to be

1 a bridge crossing in.

2 Q. This is No. 13.

3 A. No. 13. Same area, you can see some
4 of this. I believe this is a plantation forest coming
5 out there. This is an area that obviously is more
6 recently cut over. This looks to be planted to me. I
7 wonder about erosion here, if it is going -- could come
8 up as well as the other one.

9 Q. This is No. 14.

10 A. Okay. After this fly over that I
11 did, I talked to -- this is from the trip when I went
12 up and made the measurements I spoke of earlier on the
13 Mississagi River along this section. This picture,
14 this is 14?

15 Q. That's correct.

16 A. Okay. Is just of that clearcut from
17 a ground level. I stood in a spot and turned in
18 circles and took pictures. They are out of order.

19 Q. This is Schulman Township?

20 A. This is Schulman Township. Again, I
21 emphasize the rock.

22 This is showing -- that is what it looks
23 like when you come -- if you walk out of the reserve or
24 park boundary. You are walking through a jack pine
25 stand in that case and all of a sudden it stops. There

1 is a line that indicates the burn area, where I
2 mentioned the prescribed burn had burned the park
3 reserve.

4 Q. This is No. 15.

5 A. Okay.

6 Q. This is No. 16.

7 A. This was up river after I had taken a
8 couple of measurements and this was -- I was standing
9 on a portage trail and a set of rapids in the
10 Mississagi River.

11 What I would like to direct your
12 attention to is how you can see through the reserve of
13 jack pine. Different species there have different
14 thicknesses, depending on how young or old and so on
15 they are. So this is fairly old jack pine stand.

16 Highly merchantable timber, but I must
17 also say, though, this is one of my measurements that
18 was less than 120 metres. I suspect, from the portage
19 trail we are looking at, this was an 80 some metre
20 measurement and then the portage trail would have been
21 a bit away from the river. So that's probably 70
22 metres you are look through, 65 metres. You are
23 looking through the bush and you can see the whole open
24 area.

25 If a person were to camp there -- I get a

1 laugh out of this when I mention this, not in any
2 malicious fashion. When I am teaching my canoeing
3 program, because of water quality and so on, we teach
4 our students that when they are going to conduct the
5 terrain business they be at least 200 feet from the
6 water source. If we were to walk 200 feet from the
7 water source, if they had a camp here or a portage,
8 they certainly wouldn't have any privacy, if you know
9 what I mean. It would be wide open.

10 MR. CASSIDY: 200 feet or 200 metres?

11 THE WITNESS: Feet, which is about 70
12 metres. And I got -- I teach them what I read in this
13 article and books and wonder if that was the
14 appropriate thesis. In this case they had been able...

15 MR. LINDGREN: Q. This is No. 17.

16 A. This is again standing -- I mentioned
17 I stood in a spot and started taking pictures. I can
18 show you on the map just about where that was. It was
19 up where the access road took me.

20 It is up around here or over here.
21 (indicating) What you can see in the distance here,
22 that's actually one of the curves in the river. This
23 is the edge of the park reserve down here and this is
24 just looking around it at what you see.

25 Same area just a different direction.

1 Q. We are now look at No. 19.

2 A. Same again.

3 Q. No. 20.

4 A. Same again, still the Schulman cut.

5 Some concerns with the -- again, just the amount of
6 rock and planting trees in between the rocks. Fine.
7 I'm not sure how much soil, pretty thin soil is left.

8 Q. This is No. 21.

9 A. Okay. Still on the same Schulman
10 cut.

11 Q. No. 22.

12 A. This was kind of interesting, and I
13 guess maybe there was no particular problem with that,
14 but it struck at the time as kind of sad, but funny a
15 way. What you see in the middle of that huge cut is
16 this little patch of trees. I can't remember if it's a
17 radius or a diameter of about 200 feet. It's not
18 particularly big, if it's 400 feet. You have a little
19 circle.

20 What you have in the middle of that is a
21 hunt camp. That hunt camp is set in the middle of a
22 thousand hectare clearcut. the value is obviously
23 identified because they made that reserve around the
24 guy's hunt camp. I don't know whether the guy objected
25 or if he thought he'd have a much clearer open shot at

1 moose or what. I don't know. It just struck me as
2 funny and a little odd that that situation would occur.

3 Q. I understand that you have recently
4 taken a number of more recent photographs?

5 A. Yes. Those pictures were taken in
6 August of 1989, pointing out concerns that I had. The
7 advisory committee process has been in place. We've
8 had, I think, since the fall of 1989 four meetings.
9 Some recommendations were made. One recommendation was
10 made specifically that I recall and referred to.

11 So I haven't had a lot of time this year,
12 I am back at work now, to get out and see as much, but
13 some situations were brought to my attention and so I
14 took an afternoon and went looking. So I have some
15 pictures of those situations and they pretty much take
16 in the Boland River Valley.

17 Q. When did you take those photographs,
18 Mr. Robinson?

19 A. I took those early October. I forget
20 the exact date. October 4th. It's a beautiful day.

21 MR. LINDGREN: Madam Chair, I can
22 indicate this should be in the binder of photographs
23 filed with the Board and copies have been provided to
24 the parties. This is the first photograph in that
25 second package of photographs.

1 THE WITNESS: This is up -- if you recall
2 in the block cut picture the very first picture, I
3 indicated where the road would continue on in that
4 direction up the river, eventually the road ends. This
5 is where the road is going to be extended. This is the
6 road corridor that's being cut here.

7 There is already logging operations back
8 that way and this is -- the road corridor comes along
9 there and it curves up the hill to where I'm standing
10 and it will continue on behind me. This will be, I
11 guess -- I would call it a primary access road. It may
12 be a secondary, but I think it's considered a primary
13 access road.

14 These pictures are all mixed up.

15 Q. These should be in order. This is
16 No. 2.

17 A. The way they were numbered wasn't in
18 order of issue, so I will be bouncing back and forth.

19 Where that road corridor now goes, the
20 new road corridor that's just been cut within the last
21 month, last two would months, the reason I went up and
22 took these pictures is because it runs adjacent to a
23 canoe route, not a waterways park, but a designated
24 canoe route.

25 One of the emphasis that the advisory

1 committee made and had a resolution to that effect was
2 our concern over access roads and the alignment of
3 access roads and that they should be kept away so that
4 other values are not -- I can't think of the word, but
5 other values are not upset by the access roads.

6 So that was, I felt, the main focus of
7 our advisory committee that everybody agreed on, that
8 access roads do create problems. So they would try and
9 align access roads away from other values like canoe
10 routes and so on, parks and things like that.

11 Where I'm taking the pictures right now,
12 I am standing virtually on a canoe -- a portage around
13 the waterfalls and I'm looking through. Behind these
14 trees in the foreground and these trees in the
15 background, you can see there is a opening. That is
16 the road corridor that you saw in the first pictures.

17 That road corridor, at this point, is
18 approximately 113 metres from the waterfall and it's
19 certainly closer than that to the portage which would
20 be considered - how would you call it - specific value
21 or something like that.

22 At one point, the bottom of the
23 waterfalls, the corridor comes within 80 metres of the
24 river. So I was quite upset because I thought we had
25 come to some sort of agreement and that this sort of

1 stuff wasn't going to happen, that roads would be
2 aligned. I don't think that road, personally, should
3 have been within half a mile of that river and here it
4 is actually infringing on the 120-metre reserve that
5 has generally been accepted in our district as to what
6 they leave on canoe routes. It's actually fringe. So
7 I took these pictures and this is from the portage.

8 Carry on.

9 Q. There is No. 3.

10 A. This is from the same position as
11 picture No. 1 where I showed you that the road was
12 coming up. I turned around and this is the continuance
13 of the road. The picture that I just took from the
14 portage trail is looking up into the road, up in here
15 somewhere. (indicating)

16 Q. No. 4.

17 A. This is from the road. When I took
18 the picture looking up at the road I was down in there.
19 Now I'm on the road looking back at the portage.
20 (indicating)

21 Not these rocks, but rocks under here and
22 in here, essentially are, if not right on the portage,
23 are very close to it. So I was looking from the road
24 corridor down there.

25 My major concern with this proximity of

1 access roads to canoe routes is the accessibility that
2 it creates for motorized vehicles and people who use
3 them. It has been shown up here that people put in
4 camps, they leave garbage. Hell's Gate Rapids on that
5 park will probably need a one-ton truck load -- a
6 one-ton truck to take all the garbage out that's up at
7 Hell's Gate Rapids now.

8 I'm not suggesting that canoeists are
9 entirely pure, certainly some of them litter. The
10 amount of garbage that's there, though, especially
11 cases of beer and things like that, generally don't get
12 carried by most canoeists.

13 My concern here is, near this portage at
14 the bottom of the waterfalls is a camp site that is --
15 well, you will see, it's in these pictures. This is a
16 gorgeous area. You could walk around these rocks in
17 your barefeet right now. There's no glass, there's no
18 cans, it's beautiful and I would almost -- well, I
19 would, I'd take a bet that in at least two years, if
20 not a year from now, once this is discovered, you won't
21 be able to do that. There will be broken glass and
22 there'll be litter and there'll be trash around that
23 camp site and that portage and that waterfall. It just
24 seems inevitable when the access roads come that close.

25 This is -- the picture previous, I was

1 standing on top of the road corridor. This, I just
2 walked over the bank down to the bottom of the bank
3 that had been pushed over by the machines. I'm looking
4 through. I don't know what that flag is for unless
5 it's supposed to mark the edge of the reserve. If it
6 is, I think it has been mismarked because my
7 measurements show that the road is within -- less than
8 120 metres for sure. You can see right through. The
9 waterfall is down there.

10 Q. And this is photograph No. 5.

11 A. Okay. Go ahead.

12 Q. This is No. 6.

13 A. This is a picture of the same thing
14 from closer to the waterfalls as opposed to being on
15 the portage trail. You can see there's a little more
16 bush between the waterfalls and the road. You can see
17 the road corridors there. Go ahead.

18 Q. This is No. 7.

19 A. That's another one. It doesn't show
20 much difference. That's from a different position
21 partway around the waterfalls. No glass.

22 Q. No. 8.

23 A. This one -- this is actually why I
24 originally went up there because this is what I heard
25 about that I had to go see to believe. This is a

1 skidder trail. Right here is the river at the bottom
2 of the waterfalls. You can see the waterfalls in
3 there.

4 Some time within the last month, I
5 presume, or at least within the last two months, three
6 skidder operators from the operations along that road
7 that you saw decided to drive their machines down to
8 the road river, smashing the trail through; there was
9 no trail before.

10 They took with them a pressure pump and
11 at the edge of the river used this high pressure water
12 thing that they were getting the water out the river to
13 wash the diesel and oil off their machines so they
14 could do some welding on their machines.

15 For one thing, they smashed the trail
16 right through the 120-metre reserve. The other thing,
17 they obviously didn't have much consideration for the
18 water quality. It certainly has -- go ahead to the
19 next picture.

20 This is a picture--

21 Q. No. 9.

22 A. -- of the waterfalls from the end of
23 the skidder trail.

24 Next picture.

25 Q. No. 10.

1 A. This is across the waterfalls. This
2 is a camp site that's generally used by canoeists on
3 this route. It's on the other side of the river. It,
4 too is -- as you can see, it's -- you can't really
5 tell, but it is quite a clean camp site and in good
6 shape. Now that camp site looks on to the skidder
7 trail that's been smashed down to the river.

8 Q. No. 11, which is not very clear.

9 A. This one obviously isn't invisible.
10 I can see, I don't know if you can see right there
11 there is red blaze on the tree.

12 MR. LINDGREN: Madam Chair, this is
13 actually more legible in the hard copy of the
14 photograph that's been filed.

15 Q. Perhaps, Mr. Robinson, you can go on
16 to describe it.

17 A. I can explain it quickly. Why I took
18 that picture - and I'm obviously not a very good
19 photographer - because this red blaze is the mark on
20 the tree indicating the edge of the reserve. That's to
21 my knowledge. The skidder trail goes into the bush
22 right here about three feet away, and that was
23 disregard for the the reason reserve.

24 Q. This is No. 12.

25 A. That's just -- as you walk in that

1 skidder trail, it's a little bit further on towards the
2 river. You can't see anything, so we might as well go
3 on.

4 Q. This is No. 13.

5 A. Before I talk about this picture, the
6 skidder incident, the operator who has the licence for
7 the cut near there, who is running that operation, I
8 believe he is a conscientious operator. I really don't
9 know the name of the operator even, but other evidence,
10 that the road they put in had to cross a canoe portage
11 trail for further back.

12 And given that that road had to go there,
13 the job that this operator did in accommodating the
14 canoeist, he did a very nice job. He gravelled down
15 from the road, he didn't leave a big high bank for
16 people to climb over and so on, and made a nice trail
17 so it was as easy as possible for canoers to get up and
18 across the road and made the trail quite nice.

19 I just see a situation where an operator,
20 the guy who has a licence, perhaps he has a good
21 attitude and yet, you know, all of sudden he has three
22 skidder operators who haven't accepted the same level
23 of environmental consciousness or cooperation with
24 other users. It's like, it becomes such a difficult
25 task.

1 You know, the Ministry people have good
2 intentions, apart from the fact -- the mistake the
3 access road I don't think should have aligned where it
4 was aligned. The operator has good intentions, but
5 there are so many places down the line where things can
6 break down and those things happen and this is one of
7 those cases.

8 I also understand from talking with the
9 district manager on the phone that the skidder
10 operators -- I don't know what action has been taken
11 entirely, but I know that either the licensee or
12 whatever, somebody has caused enough grief to the
13 skidder operators that they went back in and tried to
14 dig up the contaminated earth that they had left from
15 washing their machines.

16 So, you know, after the fact something
17 has been done...

18 Q. This is No. 13.

19 A. In one of my wanderings around - in
20 this case this is along the Boland River Road before
21 you get to the new cutting area, this is a cut. It's
22 not a very deep clearcut along the road, but it
23 continues on quite a ways, it's fairly long and narrow.
24 - a forester said to me, and I'm sure that it's like
25 anything else, foresters may disagree amongst

1 themselves, but this particular forester felt that this
2 area - and there's a few other photographs showing
3 it -- which number is this?

4 Q. This is No. 13.

5 A. Okay. We can always try 14. He felt
6 that this area may -- perhaps should not have been
7 clearcut-- The next picture.

8 Q. This is No. 15.

9 A. --because of the amount of bedrock
10 that was visible and the lack of soil that was there.

11 Now, he indicated to me a concern that
12 sometimes a lot decisions are made in the office and a
13 planner or a forester looks at aerial photographs with
14 their little things and looks at values maps - I don't
15 know, there's other labels for them - and looks at that
16 and from all the information they have on hand at the
17 office, that appears to be a nice jack pine stand,
18 okay, it's suitable for a clearcut.

19 On the other hand, if the forester making
20 the decision, according to this fellow, had been in the
21 field and had walked this area before he approved it,
22 he said there is a good chance he may have looked at
23 this and said this isn't a good area to clearcut, we
24 will use a shelter wood cut; in other words, the
25 cutting technique may have been modified to suit the

1 nature of the land that's there.

2 Q. And why was this area not suitable
3 for a clearcut?

4 A. As far as I understand, it was
5 because of the exposure of bedrock and the thin soil
6 that was there and erosion problems. That's my
7 understanding. He may have had other reasons for
8 indicating that.

9 I do know that if you continue on down
10 the road to where the photos of the new road corridor
11 are in the new cutting area, they are in fact using a
12 shelterwood cut and they are leaving quite a bit of the
13 timber standing to try and, I guess, hold the soil and
14 so on.

15 When I went through there, the
16 shelterwood cut, I guess one of the other concerns with
17 that is, how much will get blown down from wind blow
18 if -- you know, I guess it's a fine line about how much
19 to leave and how much to take.

20 I guess that's basically it for the
21 photographs.

22 Q. Thank you, Mr. Robinson.

23 Now, just to finish the story on the
24 photographs, I understand that you wrote to the
25 district manager on August 28, 1989 and that's Appendix

1 C.

2 A. Where are we?

3 Q. I'm referring you to Appendix C which
4 is your letter dated August 28, 1989.

5 A. Okay. We are back to the first set
6 of photographs.

7 Q. Right.

8 A. Appendix C, yes.

9 Q. This letter basically sets out the
10 comments and your concerns that you've just talked to
11 the Board about?

12 A. Yes, it mentions a lot of the
13 concerns that I've mentioned here, such as Moose
14 Habitat Guidelines, adherence to those things and so
15 on, bridges over the park and things like that.

16 Q. Then in Appendix E, you wrote to the
17 Ministry again in Appendix E?

18 A. Yes.

19 Q. And why was that necessary?

20 A. Well, I sent the first letter -- and,
21 again, historically speaking, that's back at the time
22 when I took the first set of photographs and I was not
23 getting any sort of satisfaction over my concerns. So
24 I wrote that letter which was, as you can see, quite a
25 long letter, vented a lot of frustrations. I think

1 everything I wrote in there was accurate, though.

2 I sent that on August 28th and didn't get
3 a reply for quite some time and I thought the letter --
4 you know, it had a lot of concerns in it and outlined a
5 lot of what I felt to be significant problems and I was
6 not getting an answer back, all of September and a good
7 part of October -- or some of October, anyway.

8 Q. So you wrote your second letter which
9 is found in Appendix E?

10 A. Yes. You know, I thought even if it
11 was taking them a long time to figure out what I was
12 upset about or to go and look at these situations,
13 fine, but at the very least what someone could do would
14 be to phone me, and I said this to Mr. Lannin at a
15 later day, that the very least you could do is call me
16 to acknowledge that you received the letter and that we
17 are looking into it.

18 I didn't receive that. Now, this was not
19 a three-year problem like some other situations we've
20 heard. This was about a month or more that I didn't
21 here, so I wrote the second letter and indicated that I
22 was very concerned that I hadn't received a reply.

23 Q. Then the Ministry replied to you in
24 Appendix F?

25 A. Yes. I also indicated in that second

1 letter my concern that the advisory committee still
2 hadn't met. This was September of '89. The advisory
3 committee, as far as my expectations went, was struck
4 November of '88. This was going on a year from the
5 time I considered the committee to be struck and it was
6 certainly -- Mr. Lannin eventually told me he tried to
7 get a meeting in July, but that didn't happen, but
8 certainly no meetings before I had the information
9 sessions and so on.

10 At that time I was kind of upset, so I
11 wrote there and I mentioned my disillusionment. So
12 there were two things: I didn't get a reply and I
13 hadn't heard anything about the advisory committee.

14 Then your questions was...

15 Q. And then you received a letter from
16 the Ministry which has been filed in Appendix F.

17 A. Yes.

18 Q. Did you do the underlining that we
19 see in this document?

20 A. Yes.

21 Q. On the first page, towards the
22 bottom, you have underlined the words "compliance
23 monitoring".

24 A. Yes.

25 Q. Why was that?

1 A. Well, it's a nice term that is being
2 applied, and I guess what bothered me is when I see:

3 "This compliance monitoring will be
4 carried out to ensure that the
5 prescriptions are implemented
6 satisfactory during the operations."

7 And I looked at that and I thought, how
8 is that going to work. It hasn't worked in the past,
9 it obviously didn't work on the Mississagi Park, you
10 know, if there is compliance monitoring, and yet the
11 park boundary has just, you know, been infringed on at
12 least six times that I was aware of. You know, what
13 good did compliance monitoring do then and what's --
14 wonderful.

15 A trespass occurs and you go and find the
16 guy, that's not the point, or you charge them. The
17 point is, it shouldn't happen in the first place. I
18 mean, once it has happened it has happened. And then
19 he tells me that compliance monitoring will be carried
20 out to ensure that prescriptions are implemented
21 satisfactory during the operations.

22 It didn't work before and now, to the
23 best of my knowledge, they are going to try and do a
24 better job with what I understand to be at least no
25 more personnel, possibly less. I'm being told that

1 there are probably budget considerations and that there
2 is at least no more money, maybe less to do a job that
3 wasn't being done well in the first place.

4 So I had a big concern about this
5 compliance monitoring. I guess I'm very cynical about
6 it. I don't see it working.

7 Q. Unless you had any further comments
8 on that particular letter, I would like to move on to
9 the advisory committee and your experience with the
10 committee?

11 A. I will just check. Another thing on
12 page 2 of that same letter --

13 Q. This is Appendix F.

14 A. Yes. I am trying to find out what my
15 note refers to here. Just a sec. The middle
16 paragraph:

17 "Areas are selected for harvest..." The
18 last sentence in that, I had expressed a concern in my
19 letter, Appendix - whatever it is - C, I guess, about
20 the bridge across the Mississagi and bridges over the
21 Boland River. So I expressed a concern and, as far as
22 I can figure from this letter, the response I got was,
23 it's all in the TMP, go and look.

24 I know it's in the TMP, I already saw in
25 there in March, but I didn't really get an explanation

1 of why they were necessary or that an examination had
2 been done, as I had asked for it, to re-evaluate that
3 and see if the allowable cut on the other side of the
4 river was instead essential, could it be revised. I
5 didn't get any indication that had been done.

6 The other note I have here, we have
7 already discussed about the revisions to the District
8 Land Use Guideline will result after the TMP is in
9 place. We've already discussed that concern.

10 Q. Thank you. I would like to move
11 ahead to paragraph 17 of your witness statement and
12 that's where you set out your experience with the
13 advisory committee. I have a couple of brief questions
14 for you on that.

15 First of all, can you advise me whether
16 or not this is a timber management advisory committee?

17 A. No, this is not a timber management
18 advisory committee. As far as I know, it's -- I've
19 heard it referred to by the DM as a land use advisory
20 committee. We are an ongoing committee, not -- it was
21 struck in time to try and deal with the timber
22 management plan. My understanding is that we are going
23 to be asked to deal with other management plans as
24 well.

25 So it wasn't until the process has sort

1 have been ongoing that I'm starting to catch on to what
2 they're saying here. So, first we dealt with the
3 timber management plan. It came into force April 1st
4 of this year for the next five years. The last I heard
5 from the district manager is that he would like us also
6 to deal with the tourism management plan or some other
7 plan like that, which struck me as a little unusual.

8 One on hand, when we do the timber
9 management plan, we're always hearing integrated
10 resource management. Then, on the other hand, we do a
11 timber management plan, then we do a separate tourism
12 management plan, and I'm wondering now, are we going to
13 then do a separate fisheries management plan, are we
14 going to do a separate cottaging development management
15 plan and so on.

16 If this is all supposed to be integrated
17 and all users are supposed to be considered, why are we
18 doing all these management plans independently of each
19 other? I don't see that as an optimal of facilitating
20 the use of all the various users of the resources. It
21 struck me as an unusual way of going about it, to do
22 all these things in isolation.

23 Q. Now, in paragraphs 18, 19 and 20, you
24 describe what occurred at these various committee
25 meetings, and I am not going to go through that with

1 you.

2 I would move ahead to paragraph 21 where
3 you attempt to summarize your views with respect to the
4 advisory committee process. I'm wondering if you could
5 summarize for the Board your opinion on the advisory
6 committee process, whether it is useful and whether it
7 can improved and, if so, how?

8 A. I think some context is important
9 which may have partly been covered by the earlier
10 paragraphs that we skipped.

11 The advisory committee in the Blind River
12 District is new, we've met four times. The staff of
13 the district office, when we were in these meetings,
14 are extremely helpful and everybody in the meetings is
15 obviously trying to get this thing to work, and I
16 credit everybody for that.

17 These meetings have gone on into late
18 hours of the evenings and they're mostly volunteers,
19 including the Ministry people, who are working
20 overtime, presumably without pay, but it's a growing,
21 learning process. And to say now that it is working or
22 it isn't working may be a bit premature, but I think
23 there are some comments that can be made that will
24 stand up.

25 I have already mentioned that -- I think

1 the advisory committee has a use. It does get interest
2 groups there and you get to sit down and we all sit
3 down in the same room and you start haranguing and a
4 lot of stuff gets aired, and it's a good forum for
5 that, depending on the people that are actually
6 involved. In our case, it seems to work quite well,
7 that everybody is willing to stand up or sit there and
8 let everyone know how they feel and what they're
9 concerned about.

10 The Ministry of Natural Resources'
11 personnel have been very receptive. In fact, the first
12 meeting, when we went in there, every user group pretty
13 much took a kick at them and let me them know all these
14 frustrations that have been pent up and, in fact, the
15 district manager -- I applaud the Ministry personnel
16 for dealing with it so professionally, boy, because
17 there was a lot of stuff flying around in that room.

18 After about an hour and a half of the
19 first meeting, the district manager said: Well, now
20 that our shirts are torn and the ribbons, let's get
21 down to business and we did. So that's sort of the
22 nature of the way it's working. I think that's a
23 compliment to the people that are there, that they've
24 got that through and now we are working together in a
25 very positive way.

1 I've mentioned, however, that the -- the
2 committee, first off, actually met so late in the
3 process that I have some reservations about how our
4 recommendations would be implemented, if they could be
5 implemented, without a lot of aggravation and change
6 and so on.

7 I am concerned that the people there have
8 differing levels of knowledge and information and
9 background and some of us are just there because we are
10 concerned and we have to learn a lot. There has to be
11 some sort of educational process for these people,
12 including myself, because every time we have a meeting
13 I'm learning a lot of stuff. So it's -- it's going to
14 be difficult to necessarily set the direction of policy
15 with -- if you are void of information.

16 We are not really ever presented with the
17 timber management draft. We've sort of went -- had to
18 go to the information meetings and find out on our own.
19 It was never sort of: Here's a couple of meetings we
20 are going to present. And there's so much stuff that
21 you can't just sort of, in either one meeting or
22 information session, get it all. You need something
23 that you can take home and read.

24 I mean, most of the people here that are
25 on the -- everyone on the advisory committee has a job

1 and you can't take all the time off work to go to these
2 information sessions. You need something you can take
3 home that's kind of specific, not just sort of general
4 summaries, but anyway, you need a better access to the
5 information in a format that these people can cope
6 with.

7 The advisory committee always has no
8 particular power. I mean, it's an advisory committee
9 which comes across to me a lot like guidelines; they're
10 flexible. You might say: Well, maybe this advisory
11 committee should have as much power as the planning
12 team or maybe should be part of the planning team, I
13 don't know. I'm not entirely convinced that the
14 planning team has all that much power, given the
15 example in our district where the regional -- or the
16 district planning team made some recommendations and
17 the regional office said forget it. I mean, maybe they
18 are in an advisory capacity, too.

19 I also think that members of the advisory
20 committee need to have access to all this information,
21 but also you need some direction on what you're looking
22 for. I mean, you need information, but you need to
23 know how to use it and what it means and all that, so
24 there's education.

25 You also need access to site-specific

1 cases. If there is a concern on the Boland River or
2 the Matinenda Lake cottaging area or whatever, then I
3 think the advisory committee should either get pictures
4 or, in some cases, you have to go and look at it. The
5 same as, I'm suggesting, that the Ministry has to get
6 out and look at things in the field as well, whether it
7 means you all jump in a car or something or a bus and
8 go and take a look at the area and walk it or whether
9 it means you jump in a helicopter and go for a flight
10 over to see an area that's in question. It's difficult
11 to make decisions and recommendations in a void.

12 I think the advisory committee has some
13 uses, but I do not believe that it is the be all and
14 the end all. It's not going to solve the problems of
15 forest management in Ontario.

16 Q. Thank you, I have one final document
17 for you, Mr. Robinson. I understand that you've
18 recently written to the Ministry to follow-up and
19 update some of your concerns that you have expressed
20 here today. This is a letter dated October 12, 1990 to
21 Mr. Lannin from Mr. Robinson.

22 I would like to have that marked as the
23 next exhibit.

24 MADAM CHAIR: That will be Exhibit 1480.
25 Did you give the date of this letter, Mr. Lindgren?

1 MR. LINDGREN: This is October 12th,
2 1990.

3 MADAM CHAIR: A one page, two-sided
4 letter?

5 MR. LINDGREN: That is correct.

6 ---EXHIBIT NO. 1480: One page, two-sided letter dated
7 October 12, 1990 to Mr. Lannin
from Mr. Robinson.

8 MR. LINDGREN: Q. Mr. Robinson, can you
9 confirm for me this letter simply conveys your concern
10 over some of the trespasses that you have observed and
11 that you have described to the Board today?

12 A. Yes. This letter I wrote following
13 my taking of the pictures that I showed you, the Boland
14 River and the skidder trail into the river and so on
15 and the access road. I wrote the letter the 12th of
16 October. I know I sent it on a Monday a week and a
17 half ago. Would that have been the 12th?

18 MS. BLASTORAH: It was a Friday I know
19 because it was my birthday.

20 THE WITNESS: Okay. Then it was the
21 following Monday that it actually got mailed. I
22 believe it was two or three days later that Mr. Lannin
23 did me the courtesy of calling to acknowledge receipt
24 of the letter. Obviously my frustrations earlier had a
25 positive effect or the fact that I'm on the advisory

1 committee had an effect or something.

2 This basically just outlines what I've
3 told you, plus it indicates that I have asked Mr.
4 Lannin for a summary of trespassess that have occurred
5 since the new timber management plan has been in force,
6 which is since the 1st of April.

7 My reason for asking that is twofold.
8 There is -- I think I mention in this letter three
9 trespassess, or at least unacceptable cutting practices
10 that I heard about or witnessed. One I witnessed is
11 along Highway 108 which is the road into Elliott Lake
12 where it appears to me as though the cut has come
13 within 20 or 30 metres of the road, when in fact it
14 should have been a 120-metre buffer. The cut is quite
15 obvious now when you drive up the road.

16 The Boland River access road problem and
17 the skidder trail problem were two that I mentioned,
18 and the third that I mentioned takes us back to the
19 Wenebagon River. The Wenebagon River, the bottom
20 section of it where it flows into Rocky Island Lake,
21 has a series of about five sets fo rapids over several
22 miles or a five-year mile stretch or something like
23 that.

24 Up river from those rapids, there is a
25 portage that goes from the Wenebagon River into another

1 long arm, a bay of Rocky Island Lake. It's about a
2 900- metres portage and, in fact, is probaby more often
3 used by canoeists -- I should say, more canoeists
4 probably use that portage than do run the rapids
5 because one of the rapids for sure is impass -- is not
6 runable and the portage trails around it aren't there,
7 so it's kind of rough getting around it.

8 Unfortunately, I ran the rapids and
9 smashed the canoe up, but that portage from Wenebagon
10 into Rocky Island Lake that is more often used for some
11 reason or another, I have been told - I have not
12 witnessed it myself - that about 300 metres of that
13 portage got cut-over in a clearcut.

14 MADAM CHAIR: And the portage is outside
15 of the 120-metre reserve area of the river?

16 THE WITNESS: I suppose it is. Usually
17 portages are allowed a buffer as -- a site-specific
18 buffer, do you know what I mean? Because it's a
19 portage it's usually earmarked on its own merits as a
20 reserve, usually. Most portages are protected by some
21 sort of a buffer zone.

22 This one, I think on the plan, was in
23 fact to be protected by a reserve of some sort and it
24 was an unfortunate error, either that the marking was
25 done inaccurately or the company missed the marks or I

1 don't know who. I have no idea of how it happened or
2 who's responsible, but again is another unfortunate
3 incident.

4 So my point is that I have heard of three
5 or four situations, have seen them. If I'm finding out
6 about these things, and I haven't in the last couple of
7 weeks had that much opportunity to get out in the bush,
8 being back at school and so on, and if I am finding out
9 about a few of these things, how many are actually
10 going on?

11 So I asked that a summary be prepared of
12 all the trespasses that have occurred in the last six
13 months since the TMP has been in effect and, along with
14 that summary, a summary of what action has been taken
15 in each case.

16 No. 2 asked that a summary be made of
17 cutting that has occurred accidentally in unallocated
18 areas and result of action.

19 One of the things that came out in our
20 advisory committee meetings was that under this new
21 compliance monitoring system or whatever it is, that
22 companies were going to be responsible in many cases
23 for marking their own lines for the cut areas. This is
24 the way I understand it from the exchange at the
25 committee meeting, that the company would go in and

1 there's the cut, you mark it out.

2 At the committee meeting or meetings, Mr.
3 Lannin I asked: Well, is the company liable or at
4 least responsible for marking that properly. I mean,
5 if they do it wrong, either by accident or in some, I'm
6 sure very rare case - by design marked the line wrong,
7 will they be charged and held liable for that error,
8 and my understanding from those committee meetings is
9 that, yes, that would be the case.

10 I understand that that has not been the
11 case, that where -- or least yet. Maybe charges are
12 pending or maybe situations are being investigated, but
13 I guess that concept has been called into question,
14 that if a company goes in and marks their own lines in
15 good faith and makes a mistake and the Ministry hasn't
16 had time to go out and inspect those lines before a cut
17 is made, can you hold the company responsible. So my
18 understanding now is that, at this point anyway,
19 charges would not be laid in that case.

20 I'm wondering -- well, actually in
21 talking with Mr. Lannin on the phone I got the
22 impression that they are now saying to the operators:
23 Don't cut the line that you've have marked until we
24 have inspected it. I got the impression that they are
25 having trouble getting to inspect all the lines, but...

1 MR. MARTEL: Is that recent?

2 THE WITNESS: The phone call with Mr.
3 Lannin?

4 MR. MARTEL: Yes, with the indication
5 that don't cut until we go out and --

6 THE WITNESS: That was last week I talked
7 to Mr. Lannin.

8 MR. MARTEL: Last week.

9 THE WITNESS: That's my impression. And
10 I guess the idea now is that they want to make sure
11 that when these lines are marked that they get their
12 can inspectors in to make sure the line was marked
13 correctly because there's evidently been some problems.

14 MR. MARTEL: Well, there has been concern
15 expressed at our hearings when we were in Sault Ste.
16 Marie and then when we -- I guess in Timmins there was
17 concern expressed by the association, of small
18 operators at least, to this concern of having to mark
19 their own and not having the skill to do it.

20 THE WITNESS: Yes, that's the argument
21 that I've heard, too. You know, how can they be held
22 liable, they are not trained to do that and so on.

23 I think probably -- I am just guessing
24 that program was an attempt to try and get a job done
25 that required more man-hour time than the Ministry had.

1 I don't know.

2 Anyway, I want a summary of what
3 accidental cutting has occurred and what the resultant
4 actions, and I also asked for some kind of a comment on
5 the new compliance monitoring program and how it is
6 being implemented.

7 I understand that someone in the office
8 in Blind River has been asked just recently to start to
9 get that program in place to develop it. Of course,
10 this is six months into the new TMP and the program
11 isn't in place. That was the letter I wrote and sent a
12 week and a half ago and Mr. Lannin has replied to me on
13 the phone. I'm still waiting for a written reply and I
14 have asked that this be referred to the advisory
15 committee.

16 He did mention to me at that time on the
17 phone that my letter was very timely, that he was in
18 fact considering having the advisory committee meet at
19 least some time before Christmas so that we could
20 discuss some of these matters.

21 Q. Mr. Robinson, I take it that you have
22 not received a formal written reply to this letter yet?

23 A. No.

24 Q. Can you provide a copy of that letter
25 to this Board went and if it arrives?

1 A. I can.

2 MR. LINDGREN: Madam Chair, perhaps we
3 can reserve an exhibit number for that. I would
4 suggest perhaps Exhibit 1480A.

5 MR. LINDGREN: Those are my questions,
6 Madam Chair.

7 THE WITNESS: Do I have an opportunity to
8 make some comments?

9 MR. LINDGREN: Q. Do you have any final
10 comments to make?

11 A. Yes, thank you. There are two issues
12 that I don't think I've addressed so far that I'm
13 concerned about. One is a concern that within the
14 Ministry of Natural Resources there seems to be -- I
15 don't really know if the word dissention is the
16 appropriate word, but there certainly doesn't seem to
17 be a lot of togetherness on a lot of things.

18 Maybe I alluded to it when I mentioned
19 some time ago that, you know, I look at the MNR and it's
20 actually timber branch, wildlife branch and the
21 fisheries branch and so on. Through my project Wild
22 activities, as well as activities locally and from
23 reading transcripts -- not transcripts, but articles
24 written about this hearing, you know, this little thing
25 on the back of that ad, biologists and forester's don't

1 agree. In my own district, various groups within the
2 Ministry don't agree and that's perhaps healthy unless
3 one group consistently has the decision-making power.

4 I was in Dorset at the Leslie Frost
5 Centre at one point for a project Wild advanced leaders
6 workshop. There was an assembly of people, half of
7 whom were MNR personnel, half of them were teachers and
8 an MNR person made a comment or asked a question: Why
9 can the Ministry branches no get together on some
10 things. In that case they are referring to educational
11 programs.

12 Wildlife branch has been promoting the
13 project Wild and it has been a very successful program.
14 As I understand it, communications branch has since
15 followed up with a focus on a forest program. In
16 conversationss afterwards, it was suggested to me that
17 the communications branch did it because the timber
18 branch either didn't have time or didn't feel it a
19 concern and the communications branch felt they needed
20 some public relations work.

21 They at some point, I guess, approached
22 the wildlife branch and said: We'd like to put this
23 program together with your project Wild program since
24 it is the same idea, it's the same type of activities,
25 exactly the same, just with a focus on forests instead

1 of a focus on wildlife and the the wildlife branch
2 said, forget it. You know, this has been successful
3 for us and we're not interested in having you tag
4 along.

5 These are sort of the conversations after
6 this assembly. Evidently, fisheries branch was asked
7 to get involved and they declined and they are
8 developing their own program on the same thing. Since
9 then, the wildlife branch is developing an aquatic
10 supplement to their project Wild. This means of
11 course -- and what came out at the assembly by the
12 Ministry personnel was that the Ministry people and the
13 teachers, if they want to work, use these activities,
14 all have to attend different training sessions for each
15 branch that puts out a different program and so on.

16 It just seemed to me to be another
17 example of -- and a top person at the wildlife branch
18 said, as we were walking out of the meeting to the
19 fellow that had initiated this conversation -- the
20 discussion I should call it, which was quite heated in
21 this assembly, and it was basically all the MNR people
22 and the teachers were sitting there: Oh yeah, what's
23 happening here.

24 This person higher up in the wildlife
25 branch, I understand, said to the gentleman who started

1 the whole thing, said, we don't air our dirty laundry
2 in public and he said, it's about time we did.

3 That sort of thing that I have come
4 across, different departments trying to get ideas
5 across or mentioning concerns and not being heard. I
6 have a concern that this Ministry doesn't act as a
7 unified group. It may be the way the system -- the
8 process by which things are done has been established
9 that creates that problem, I don't know, but I see that
10 as a problem.

11 I also -- and I guess this is fairly
12 strong. I believe that the people in the Ministry of
13 Natural Resources are trying very hard to do a good job
14 of managing our resources, but more and more the
15 evidence points to me in things like -- what may be
16 considered little problems, skidders running into a
17 river, access roads coming to close - oh well, that's
18 one waterfall, that's one canoe route, but there's so
19 many of those things that I'm concerned that in spite
20 of all the efforts that people are making that, in
21 fact, the situation is out of control.

22 Try as they will, they either don't have
23 the manpower, the money or the process to keep up with
24 everything, to keep up with catching all the
25 trespassers, to keep up with the infractions and line

1 inspections and so on. And when they do lay
2 trespassing charges, I have been advised that there are
3 some situations that when trespassing charges are laid
4 that those that have been charged, you know, going
5 running to perhaps ministers, deputy ministers and so
6 on and complain, perhaps not with satisfaction, but
7 that's the kind of environment that these people are
8 working in and trying to get things done.

9 When they find problems, charges are not
10 always laid. That's a judgment call, I'm sure. I
11 think there's a lot happening and it's happening so
12 fast that it's been very hard for them to keep up with
13 it.

14 Those are my comments.

15 MR. LINDGREN: Thank you.

16 MADAM CHAIR: That's it, Mr. Lindgren?

17 MR. LINDGREN: That's correct.

18 MADAM CHAIR: Thank you very much. Why
19 don't we take our afternoon break and we will start
20 with you when we come back, Ms. Blastorah -- sorry, Mr.
21 Cassidy.

22 MR. CASSIDY: That's fine.

23 MADAM CHAIR: Will you have questions?

24 MR. CASSIDY: No, I don't have any
25 questions of this witness in cross-examination.

1 However, I can advise the Board or inform the Board
2 that with respect to some of photographs we saw today,
3 particularly those which we received this past Friday,
4 and also with respect to Exhibit 1480, which was the
5 letter just filed by Mr. Robinson, it may be my
6 client's position down the road we will seek leave to
7 apply to these matters.

8 However, that will -- pending further
9 investigation to, among other things, try and identify
10 some of those matters further since they have been
11 brought to the attention by Mr. Robinson, but I have no
12 questions in cross-examination today.

13 MADAM CHAIR: Thank you, Mr. Cassidy.

14 Ms. Seaborn, you have, did you say, two
15 short questions for Mr. Robinson?

16 MS. SEABORN: Yes.

17 MS. BLASTORAH: Mrs. Koven, I should just
18 let you know I think I can be quite brief and we should
19 still be finished by four o'clock.

20 MADAM CHAIR: Good. Thank you.

21 THE WITNESS: Madam Chair?

22 MADAM CHAIR: Yes, Mr. Robinson.

23 THE WITNESS: Can you clarify what Mr.
24 Cassidy just said?

25 MADAM CHAIR: I think what Mr. Cassidy is

1 saying is that at some point near the end of the case
2 when all the evidence has been heard his client might
3 ask the Board for permission to reply to some of the
4 evidence that's been given.

5 In other words, Mr. Cassidy represents a
6 group of forest industries and at some point there may
7 be something about your evidence that his client wishes
8 to address.

9 THE WITNESS: Okay. I just wasn't
10 exactly sure.

11 MR. CASSIDY: Very eloquently stated,
12 Madam Chair.

13 THE WITNESS: Thank you.

14 MADAM CHAIR: We will be back in 20
15 minutes.

16 ---Recess taken at 2:50 p.m.

17 ---On resuming at 3:20 p.m.

18 MADAM CHAIR: Please be seated.

19 MS. BLASTORAH: Ms. Seaborn offered to do
20 her questions from there so we wouldn't have to move.

21 CROSS-EXAMINATION BY MS. SEABORN:

22 Q. I just have a couple of questions,
23 Mr. Robinson. Would it be a fair summary to say that
24 you are not opposed to the use of guidelines per se,
25 but you are concerned about their application based on

1 the examples you have given us today?

2 A. Run that by me again?

3 Q. Would it be fair to say that your
4 position is that you are not opposed to having
5 guidelines in place, and the example you gave us was
6 the 200 metre to 2000 metre in what was referred to as
7 the blue book and the 130 metre guideline in the Moose
8 Habitat Guidelines.

9 You are not opposed to the concept of
10 guidelines, but I understand your evidence is that you
11 are concerned, at least in these two instances, about
12 the application of those guidelines?

13 A. Yes, I guess so.

14 Q. Okay. To put it simply, your concern
15 is that there were guidelines in place and you thought
16 there were going to be followed and they weren't
17 followed?

18 A. Yes, I don't mind. I think
19 guidelines -- I mean, you need guidelines or you
20 need -- I guess I'm just surprised that guidelines are
21 there that are used at will, depending on what you want
22 to do.

23 Q. Right. So it is some of the
24 flexibility in terms of the use of the guidelines that
25 gives you some concern?

1 A. That's one concern, yes.

2 Q. Okay. I think you also said in
3 connection with the guidelines that if there is a
4 particular number in a guideline that has been derived
5 as a result of an expert's opinion, then you would
6 like, for example, the moose biologists, that his
7 opinion would be accepted; is that correct?

8 A. Yes.

9 Q. Okay.

10 A. I guess what I'm saying is, in the
11 context of working with the advisory committee and
12 trying to get things done, I look to the guidelines to
13 direct me. If I find a situation that I object to,
14 then I look at the guideline and say: Well, does this
15 guideline allow for this, and in many instances most of
16 my objections are supported by a guideline.

17 Q. Right. And so --

18 A. So there is also, though -- I'm not
19 going to suggest maybe that all the guidelines are
20 perfect, but if they're there, it's like you have rules
21 to a game and if the rules are there, then let's use
22 the rules. If the rules are wrong, then let's get the
23 rules changed through the proper procedure without just
24 - arbitrarily changing rules and so on.

25 Q. Okay, that's fair. Then following up

1 from that, would it be fair to say that in your
2 estimation there should be a very compelling reason for
3 a timber manager out in the field not to follow a
4 particular guideline, especially one that you have
5 placed some reliance on?

6 A. Well, what would you call a
7 compelling reason?

8 Q. Well, that's going to be a matter of
9 judgment, would you agree with me, about whether or not
10 a reason is compelling?

11 A. Well, I refer back to my case on the
12 200 metre minimum--

13 Q. Right.

14 A. --on the parks. I was asked, I
15 believe, by Madam Chair, was there some reason that I
16 could think of why that 200 metre minimum might not be
17 adhered to. No, that's the minimum. I can't think of
18 a reason, any compelling reason that would allow for a
19 minimum to be --

20 Q. To be under the 200 metres?

21 A. Right.

22 Q. And you would --

23 A. So you are saying, if a panel of
24 experts has established a number, a guideline there,
25 then if that's going to be -- that line or that number

1 is going to be contravened by anybody, a biologist or a
2 timber management person, I don't -- it seems to me
3 that person probably should have to refer to the panel
4 many experts.

5 Q. Right. Okay. So my point is, in
6 terms of your evidence, if there are guidelines there,
7 you, as a member of the public and as a participant at
8 least through the advisory committee and planning
9 process, I believe it's your evidence then that you
10 rely on these guidelines, they give you a certain sense
11 of comfort in terms of protection; is that correct?

12 A. That's true.

13 Q. Right.

14 A. That's true, notwithstanding there
15 may be guidelines that I disagree with.

16 Q. Leaving that aside, if that level of
17 comfort that you are given by these guidelines, if that
18 line is going to be crossed over in terms of, say, a
19 reserve less than 200 metres, you would have to be
20 convinced then by whomever made that decision why they,
21 in that example, reduced the reserve below 200 metres?

22 A. But...

23 Q. I am not making a judgment, I'm just
24 asking you --

25 A. I'm just saying, why should they have

1 to convince me?

2 Q. Because you are the one relying on
3 the guidelines; isn't that true?

4 A. Presumably so are all the people in
5 the MNR, presumably so is the entire public.

6 Q. Exactly.

7 A. To go away from those guidelines, I
8 think you have to take it back to a panel of experts
9 who established the guideline and do a formal amendment
10 and study it and have all input and...

11 I mean, how can you just arbitrarily go
12 bang and well, it's my decision. If there is a
13 compelling reason, to hell with the guidelines. I
14 mean, I don't accept that.

15 Q. All right.

16 A. If I, as a member of the public or
17 the advisory committee, wish to have a guideline rule
18 changed because I don't like it, because I don't agree
19 with it -- pick one. Maybe I don't agree, and I
20 probably don't, agree with the 120-metre research on
21 canoe routes.

22 My personal feeling is that that reserve
23 should be greater, but I can't go in and just say:
24 Make it 200 metres or make it 500 metres. I have to go
25 through a process and procedure to get that changed,

1 and I think the onus would be on anybody else who wants
2 to change a guideline to go through the same procedure.

3 Q. You are aware that in terms of the
4 guidelines that a number of the guidelines that are
5 used in timber management planning are applied across
6 the whole province?

7 A. Yes, I am.

8 Q. Okay. Thank you.

9 MS. SEABORN: No other questions, Madam
10 Chair. Thank you.

11 MADAM CHAIR: Thank you, Ms. Seaborn.

12 Ms. Blastorah.

13 MS. BLASTORAH: Yes.

14 CROSS-EXAMINATION BY MS. BLASTORAH:

15 Q. I would just like to follow-up on
16 that point --

17 A. Just a second. I just had a thought
18 rolling around and I'm trying to get it straight in my
19 head. Just a minute. Okay, thanks.

20 Q. Okay?

21 A. Yes.

22 Q. I would just like to follow-up on
23 that for a minute and perhaps this will remind you of
24 your thought.

25 I just wanted to clarify in my mind, am I

1 correct that when you say the reason that you think
2 that the guidelines should be adhered to is because you
3 are not necessarily relying on a guideline, you are
4 relying on the fact that that guideline was prepared by
5 experts in the field; is that fair? It's really the
6 expertise that you are relying on?

7 A. I think it's more or less, yes.

8 Q. And would that --

9 A. But I'm suggesting it's not just the
10 case of expertise. Assuming --I would assume when a
11 guideline is written, not only do you have expert
12 people that are writing that guideline, but presumably
13 they have done sufficient research to come up with
14 those things. They may have actually comprised
15 positions in order to come up with the guideline.

16 So, yes, the expertise is one thing, the
17 research is another and the context in which those
18 guidelines were established is the other thing, in that
19 if at that time, when the guideline was established,
20 the various groups had their input and a compromise was
21 made then, then at a later date another compromise is
22 made on those guidelines.

23 I mean, I'm assuming that the guidelines
24 took into account certain compromises probably in the
25 first place. Does that make sense at all?

1 Q. Yes, it does, thank you, at least to
2 me. Given that context, and you've talked not only
3 about the expertise of the individuals, but the
4 research they have done and so on, if based on all of
5 that, the individuals who prepared the guideline felt
6 that in the application of those guidelines there was
7 some flexibility required and that was a decision based
8 on all of that context, their expertise and their
9 research and so on, would you agree that that is an
10 appropriate thing to allow in the application of the
11 guidelines?

12 A. It's scary. Flexibility is, in
13 theory, a wonderful thing to have in there and I
14 certainly do find in the exercise of my duties that
15 there is flexibility.

16 How flexible is flexibility? I mean, if
17 a guideline says, for example, 130 hectares, is it
18 being just flexible to double that, bang, like that?
19 Is it being just flexible to go to a thousand hectares?
20 I mean, is that flexibility?

21 Q. Perhaps I can rephrase the question
22 then and that will help narrow it down a bit then.

23 If those individuals who prepared the
24 guideline based on all of their expertise and research
25 decided some flexibility were required in the

1 application and there was perhaps some concern about
2 how the application would be interpreted and how much
3 flexibility would be used, would you agree it would be
4 appropriate for some mechanism to be built in to ensure
5 that the flexibility that was being used was an
6 appropriate level?

7 A. Yes. If you are going to have
8 flexibility, then if you want to deviate from that
9 thing -- you know, I presume you are talking like a
10 single issue situation, specific situation where you
11 want -- a forester or somebody wants to deviate from a
12 particular guideline. As long as there is some sort of
13 system to monitor that, is it okay. I'm aware that
14 that system already exists.

15 In reference to the letter -- let me
16 think what this is in reference to. I guess it is the
17 letter that I wrote that I said that I understand it --
18 if we were talking about the Moose Habitat Guideline,
19 the change from 130 hectares to 260 hectares, the
20 forester, as I understand it, does not have to go to a
21 panel or anything in order to go to a 260 limit, which
22 is twice the limit in the recommended data, and if that
23 forester wants to exceed the limit by even more, then
24 there is a mechanism for them to go and appeal to a
25 group of specialists to do that. So the mechanism is

1 in place.

2 Q. Okay. So leaving aside any
3 discussion about particular guidelines then, no
4 particular guidelines, I am just talking generally,
5 where there is some flexibility built in, and one of
6 the reasons perhaps for building in that flexibility is
7 to allow application to different types of situations,
8 am I correct then that you would agree with me that as
9 long as there is a mechanism to ensure that that
10 flexibility -- that people aren't getting carried away
11 in using that flexibility, would that give you some
12 comfort in your concerns about the fact that these are
13 guidelines rather than rules?

14 A. It hasn't worked in the past.

15 Q. I'm not sure I understand.

16 A. It hasn't worked in the past, that
17 system. I mean, it hasn't kept clearcuts to what I
18 consider a reasonable size or contiguous cuts to a
19 reasonable size.

20 I mean, is flexibility going to be
21 defined within parameters? Maybe, maybe there is room
22 there to say: Okay, here is our limit, here's the
23 parameters within which you are allowed some
24 flexibility. Perhaps it is just my cynicism coming
25 there, and pardon me for that.

1 Q. Could that perhaps be based on your
2 experience from the types of photographs that you
3 showed this morning?

4 A. Those types of experiences, yes.

5 Q. Okay. I supplied you with --

6 MR. MARTEL: Can I just ask a question?

7 MS. BLASTORAH: Certainly, Mr. Martel.

8 MR. MARTEL: Are you concerned about -
9 because you have brought it up three or four times -
10 the change from 130 -- not so much the change, it's
11 there, the 130 to 260. Do you believe there is any
12 monitoring for that?

13 THE WITNESS: It's my impression that
14 there isn't. It is mine impression from my discussions
15 in the advisory committee context with the district
16 manager when -- and you can refer to the minutes if you
17 want.

18 In the advisory committee meeting there
19 were several members, not just me, an OFAH member and
20 FON member I believe and the EDC from Elliott Lake, all
21 wanted to know in plain English: Are there going to be
22 cuts like the Schulman cut in our new plan, and the
23 district manager responded: No, there will be nothing
24 over 260 unless someone applies for an amendment, which
25 brings up another issue.

1 I mean, he can come through in the
2 planning and, in fact, he told me that he took this
3 picture with him that had been faxed around to every
4 district in Ontario when they were trying to figure out
5 where it was from, he took that fax with him into
6 meetings with industry people when they were
7 complaining over the fact that in the new plan
8 clearcuts had been reduced to 260 and said, things are
9 going to get worse.

10 I mean, look at this. This is the kind
11 of situation and attitudes are changing and so on.
12 This is what we are up against. He used that. He has
13 told us that there will be not cuts over 260 unless an
14 amendment is made. So anyone can come in halfway
15 through the TMP and ask for an amendment on a clearcut
16 size. I don't think I'm answering your question,
17 though.

18 MR. MARTEL: No, my question is very
19 specific. Would you not want some compilation at the
20 end of the day across the province how many times the
21 130 was in fact 260, so that in fact one can look at
22 something and say, this is how often this has occurred?

23 I'm not even thinking of the other one,
24 beyond the 260, but you talked about monitoring.

25 THE WITNESS: Yes.

1 MR. MARTEL: And If there isn't a
2 reporting mechanism to show how frequently that occurs,
3 how frequently someone decides -- some forester decides
4 that it's okay, you will never really have a -- and it
5 might never happen.

6 I'm simply saying, do you not think there
7 should be some mechanism in place which forces a
8 reporting of anything that exceeds the guideline beyond
9 130 so that we know and the public knows and the
10 industry knows precisely how often that is happening so
11 it's not a secret and nobody is going to be caught
12 worrying about it, we know it is there?

13 THE WITNESS: Yeah, I think a reporting
14 mechanism would be good. The interesting thing,
15 though, is, because of whatever documentation has gone
16 around the Ministry since the moose habitat guideline
17 was issued in the correspondence from the district
18 manager, they are using 260 as the guideline limit.
19 You know, when they say we are following it --

20 MR. MARTEL: Even if that were the
21 case --

22 THE WITNESS: They don't even see it as a
23 difference from the guidelines.

24 MR. MARTEL: Even if that were the case,
25 though, it should be reported somewhere that that in

1 fact occurs?

2 THE WITNESS: Yes.

3 MR. MARTEL: That's all I am wondering if
4 you were interested in knowing.

5 THE WITNESS: I think that would --

6 MR. MARTEL: At the end of the day you
7 can say: Okay, the Ministry has to report this. It
8 might be in their annual report, it might be in the
9 five-year report, how long times they in fact allow
10 this to go on. Not allow, in fact, part of --

11 THE WITNESS: It might create a statistic
12 then that -- yes, it might create a statistic then that
13 was usable to say this is how many times it is
14 happening and is that good or bad or -- yes.

15 MS. BLASTORAH: Q. Just a couple of
16 questions rising out of that. First of all, would you
17 agree with me that a mere number indicating how many
18 times that had happened wouldn't really tell you how
19 appropriate that variance was in any particular case?

20 A. Well, statistics are funny things,
21 aren't they? For example, this is just a parallel,
22 they say that in Canada -- they quote you a number and
23 people get all in an uproar over the fact that -- and I
24 just read this a while ago, so it just came to mind, it
25 was a comparison, that "x" number of Caesarean sections

1 are done in Ontario and that's so many more than
2 anywhere else.

3 So statistics, no, you are right. A
4 number coming out and saying, this is how many times we
5 exceeded the 130 limit. By itself, it's useless.
6 Statistics are only useful when they are used in a
7 comparison fashion. So that number will be useful down
8 the road if it's showing a trend, an increased use of
9 it or decreased use it. It might be useful if it is
10 being compared to some other province. It's still
11 useful number. It's not site specific and it's not
12 exact, right, but it may be still a useful number.

13 Q. Would you agree that where you didn't
14 have any information about whether the change from - to
15 use your example - 130 to 260, whether that was
16 appropriate in given circumstance, the lack of that
17 kind of information would really prevent any kind of
18 detailed analysis of even the trend?

19 Let me break that down for you. If you
20 did collect up over, for instance, a one-year period
21 all of the times that there were a variance, that the
22 size of clearcut was 260 rather than 130, to use those
23 number, if you had that number and you collected that
24 number for each year over a five-year period, okay, are
25 you with me so far, would you agree that that still

1 wouldn't tell you whether any of those individual
2 variances was good or bad in the particular
3 circumstances?

4 A. No, it wouldn't give you
5 site-specific information, but -- the statistic idea
6 actually was this gentleman's idea. I'm saying it
7 probably has some value.

8 I just lost my thought. The 260 number -
9 I mean, we are harping on this - the 260 number is
10 interesting. I've also had it suggested to me that the
11 260 number - and anyone is welcome to refute this, it's
12 true -- like, if I'm wrong, but I understand that the
13 260 number was initiated by the Ministry partly as a
14 way of easing perhaps foresters or the industry into
15 these guidelines so that they could sort of -- instead
16 of going cold turkey, we have to stop cutting huge cuts
17 and go to 130, we will break it to them gently; 260 for
18 a couple of years and then we will work them down to
19 the 130. That's been suggested to me.

20 Does that have any bearing on your
21 question?

22 Q. I don't know that it addresses my
23 particular question, but that's fine.

24 I just would like to ask you one more
25 question. Am I correct that it's not whether it is

1 160 -- or 130 or 260, the particular number is of less
2 interest to you than the fact that some experts decided
3 that a specific number was appropriate and you feel
4 that that number is not being followed?

5 A. In part it is the number that some --
6 the fact that experts have decided on that number. In
7 part it's from my own experiences of witnessing these
8 cuts and from my personal understanding of ecosystems
9 and animals and so on.

10 I have mentioned the fact that I believe
11 it is likely that that number that those experts picked
12 may have been a compromise in the first place. I
13 really think a case could probably be made for cuts
14 being smaller than that, that's that where the -- the
15 limit should be smaller than that.

16 Q. Could I just ask you a question on
17 that. Would that be based on your assumption that
18 there was probably some compromise already built in?

19 A. Yes, partly, in part, and in part
20 reading other material from other foresters and so on,
21 newspaper articles and things like that and from being
22 out there and walking around, but there is always the
23 economic tradeoff. It's always there.

24 There is always the fact that -- I don't
25 know. This is a digression

1 Q. Okay. Just one last question and
2 then I will leave this and move on.

3 Am I correct then if the guidelines said
4 260 and all of the same things would apply, you would
5 feel that perhaps 260 had been a comprise? And, as
6 someone suggested to you, that if the 260 were being
7 applied as 500 you would feel the same way?

8 A. On one hand that stands to reason,
9 yes. On the other hand, as I mentioned before, I have
10 to work with the guidelines that are there and use them
11 as guidance. I also mentioned that I don't necessarily
12 always agree with the guidelines. I haven't -- I'm
13 still new enough in this, I haven't figured out a way
14 to get guidelines changed yet.

15 Q. Thank you.

16 A. I think -- I guess a point, it's the
17 economic thing that enters into it. It has been my
18 experience that in many decisions, not in all
19 decisions, but in many decision the economics of timber
20 extraction, let's just say, are very prevalent in the
21 decisionmaking process.

22 In fact, the timber management plan is,
23 as far as I can see, based on first saying what are the
24 timber needs. You know, a decision is made before you
25 even start the plan. It's production driven. Do you

1 know what I mean?

2 Q. I think I understand what you are
3 saying.

4 A. And production driven relates to the
5 economics of, it's a lot cheaper to do a 260 cut than a
6 130 cut in most places and so on.

7 So it's economically driven before you
8 even get into the planning process and then it's, how
9 can you try and accomodate everything else around that.
10 Because of the economic importance of that industry,
11 that has always historically been the case.

12 Perhaps the situation should be put up
13 that instead of being production driven, we could say:
14 Here are the varying levels of production necessary and
15 for each level of production here is the level of
16 allowance for other values. It goes hand and hand with
17 it. Obviously if you have a much higher production in
18 timber extraction, other values get hit a lit harder.
19 I mean, you can try and accommodate them, but it just
20 sort of makes sense; doesn't it?

21 So you can have the extremes and a range
22 of possibilities in between and instead of having it
23 necessarily production driven, sort of go: Well, what
24 do we really want when it gets to either the advisory
25 committee level or to the information session level.

1 Here is Scenario A, to the public. If we want to keep
2 the Espanola mill running, this is the production they
3 demand over the nextneck five years, and they're
4 telling us that and they're telling us they're going to
5 lose jobs if we don't maintain that and all the factors
6 that go along with that, but on the same hand, let's
7 point out, here are the other values that are going to
8 be infringed on by that.

9 On the other extreme, you say -- the
10 other extreme, I guess, theoretically would be
11 absolutely no timber production and create some
12 scenarios and let the people see what the situation is.
13 Maybe the information sessions then are going to get
14 some feedback from people saying: Okay, we recognize
15 we don't want to put Espanola out of business. I mean,
16 I certainly don't. I mean, I live and work with people
17 who are involved with the logging industry and rely on
18 it.

19 But on the other hand, it gives people an
20 opportunity perhaps instead of being told: This is the
21 production level we have to meet, what is the public --
22 where is the tradeoff that you want to make. I'm just
23 saying that these guidelines -- generally any changes
24 in them or flexibility in them seems to be economically
25 motivated.

1 Q. Thank you. Just one moment, please.
2 I would like to refer you to the information I provided
3 to you before the lunch break, which was an excerpt
4 from our terms and conditions. Have you had an
5 opportunity to review that?

6 A. I have. I wouldn't consider myself
7 an expert on it, but I have.

8 Q. But you've read it through?

9 A. Yes.

10 Q. Can I assume by that comment that you
11 haven't seen this before?

12 A. No.

13 Q. And nobody --

14 A. You may assume that, yes.

15 Q. Yes, okay. That is correct; is it?

16 A. That is correct.

17 Q. No one had showed you this
18 information before you gave your evidence here or
19 advised you that this was on the table, if you would?

20 A. I knew -- I'm aware and was aware of
21 the fact that the MNR and I didn't -- I mean, I wasn't
22 aware of the idea of terms and conditions and the way
23 this procedure is running.

24 I was aware that the Ministry was
25 proposing that the advisory committee process, or

1 whatever, was a proposal they were making to sort of
2 improve the system or something. I was aware that was
3 in it.

4 Q. And I think you indicated this
5 afternoon that the district advisory committee that you
6 are on is not a timber management district advisory
7 committee, it's something broader than that?

8 A. That's my impression. Specifically,
9 it is a land use advisory committee and we will deal
10 with whatever management plans happen to be underway at
11 the time.

12 Q. Soe you would agree with me that the
13 type of committee you are on doesn't really bear much
14 resemblance to what is set out or proposed in these
15 terms and conditions that I have provided you with?

16 A. Superficially looking over this, I
17 would disagree. I would say it does very much relate
18 to this up to this point, in that the only thing we
19 have dealt with is timber management planning and it
20 has more or less, inun general terms, followed what I
21 see to be outlined here.

22 Some specifics, of course -- you know,
23 certain interest groups have not been represented. I
24 was really disappointed to notice that canoers were
25 just referred to under Other Crown Land Recreationists.

1 You know, some of the specifics. Sure,
2 we are in a formation, a new learning, growing process
3 and it hasn't maybe hit everything here like committee
4 rules, frequency of meetings hasn't been necessarily
5 established, that's pretty arbitrary, and things like
6 that, but in general the concept of our committee is
7 much the same as this.

8 Q. Fine. Would you -- I understand what
9 you are saying, I think.

10 Would you agree with me your experience
11 at least is not completely in line with what what your
12 experience would have been had this type of process
13 been followed?

14 Are you able to comment on that? Perhaps
15 I could restate that another way to make that simpler.

16 A. It's okay. I'm just thinking about
17 it. You can rephrase if you want.

18 Q. Let me ask this, question if you want
19 wish to comment further that's fine. You have raised a
20 number of concerns in your written material about your
21 experience on the district advisory committee you were
22 on, and I think some of those concerns related to the
23 infrequency of meetings. That was one, I think?

24 A. Mm-hmm.

25 Q. Maybe if you could just answer yes or

1 no it's a little easier for the reporter to take down.

2 A. Yes. Sorry.

3 Q. Another, I think, of the concerns
4 that you raised was the fact that you didn't feel the
5 district advisory committee that you participated on
6 became involved in the process earlier enough?

7 A. That's true.

8 Q. And I think you also indicated a
9 concern that you felt that people who were involved in
10 your district advisory committee, the one you sat on,
11 didn't necessarily have a lot of background and there
12 was some difficulty in the amount of background
13 information they had about the process that they were
14 involved in?

15 A. I didn't mean to discredit the
16 members of that committee. I guess for myself I have
17 been learning an awful lot on the go and have on my own
18 volition gone out to see things in the field, as have
19 other members. There is a lot more that we could
20 learn.

21 By the same token, for example, the OFAh
22 member on the committee has been involved for some
23 years with this sort of thing and has a lot of
24 background on it. So there is varying levels of
25 knowledge on the committee.

1 I suspect what you're asking me is if I
2 think the advisory committee I am involved with
3 reflects what the MNR is proposing.

4 Q. No, actually what I was going to ask
5 you was whether you thought any of the proposals that
6 are set in that document I provided you with would have
7 addressed any of the concerns that you raised here
8 before the Board?

9 A. Yes, some of them, like you
10 mentioned, the frequency of meetings and particulars
11 like that, yes.

12 Again, I just looked over this at lunch,
13 but I don't see anything in here that would indicate to
14 me, for example, the access road issue that our
15 committee made a resolution on and then obviously
16 hasn't been followed through with by the Ministry, at
17 least in one instance with the Boland River corridor
18 road that I showed you in pictures. They didn't align
19 that road corridor according to the will of that
20 committee, the recommendation of the committee that the
21 MNR people agreed with when we were there.

22 I didn't see anything in here that would
23 indicate to me that a resolution passed by the advisory
24 committee would have any greater weight than it has in
25 our committee. Do you know what I'm saying?

1 Q. I think I understand what you are
2 saying. Am I correct that some of the other items set
3 out there, such as training for public advisory
4 committee members, would that address one of the
5 concerns that you raised?

6 A. I didn't notice training here.

7 Q. I'm sorry. Perhaps I can refer you
8 to the specifics. You may have missed it because it
9 doesn't say what particular training. I believe what
10 it says is -- sorry, I didn't photocopy it for myself,
11 so I'm just pushing through my pages.

12 On the bottom of page 7 of the copy that
13 you have under Item K, and this is our term and
14 condition 5(k), that item reads:

15 "The stakeholders committee will be
16 encouraged to nominate representatives to
17 attend the timber management planning
18 training sessions and other relevant
19 training courses sponsored by the
20 Ministry of Natural Resources."

21 A. Great idea. However -- and I also
22 mention that training and education is important and
23 getting out and seeing site-specific situations is
24 important and all that.

25 I haven't got the solution to how you get

1 people like me who have full-time jobs to do all that.
2 Can you figure that out? The year I was off work due
3 to illness I got an awful lot done. It was like almost
4 a half time job for me or more and I got a lot done.
5 Right now, I can't maintain that level. I'm involved
6 in a lot of other things as well in my work, and it's a
7 agree idea on the paper.

8 I still don't see any sort of weight
9 given to the committee other than the goodwill of the
10 MNR people that we work with and I believe that
11 goodwill is there, but how are you going to do it? How
12 are going to get six, eight, ten people, all who have
13 full-time jobs, to commit that kind of time and get
14 their employers to let them off that kind of time
15 because you are not going to be able to do this all in
16 the evenings and on weekends.

17 I don't have that answer. So there is
18 that inherent problem. It's a great idea, but I'm not
19 sure you are going to be able to staff all these
20 advisory committees given the time commitment that may
21 be necessary.

22 Q. Thank you. One of the other items
23 you mentioned in your evidence this morning was that
24 you felt it would be helpful for members of the public
25 to have some background information available early in

1 the process. Background information may not have been
2 your exact words.

3 A. Who did I suggest, members of the
4 public?

5 Q. I thought are you were referring to
6 the general public. I think what you said was -- let's
7 see if I can find it in my notes here.

8 I may have misunderstood you, but I think
9 your words -- or Mr. Lindgren asked you whether it
10 would be useful to have available to the public some
11 breifing material prior to the open house, and I think
12 you indicated that you thought that would be helpful?

13 A. Yes. Anything you can possibly do to
14 improve the situation, dissemination to the public is
15 going to be a plus.

16 Information before the planning process,
17 I may have been referring to the general public, I may
18 also have been thinking in terms of the advisory
19 committee. Also, something -- at least for the
20 advisory committee, if not for the general public,
21 something you can take home and study.

22 I don't know if you went to the Ontario
23 -Hydro balance of power sessions. I'm sure it cost a
24 fortune, but when I went home I had an incredible
25 amount of documentation that I could sit down and

1 puruse for a week in the evenings, in the time
2 available, and then make my comments.

3 I don't blame the Ministry, this is the
4 way I think legal -- they have to follow a legal
5 process of doing information sessions and advertising
6 and so on, but holy mackerel, I go in there and if I'm
7 lucky I get there after work at five o'clock and it's
8 open until eight.

9 If I happen to have enough tenacity to
10 stay there for three hours and try and figure it out, I
11 still probably won't know what's going on, and then to
12 try and make comments other than very specific ones --
13 you know, like I said, if I go in there and look
14 specifically at my trapline and said: Hey, wait a
15 minute, that cut is cutting across my trapline or it's
16 ruining this beaver pond or something, apart from that
17 I can't give absorb it. Give me something I can take
18 home maybe. It's just an idea. I don't know if it's
19 the ultimate answer, but there's got to be something.

20 Q. Would you agree with me, first of
21 all, that the kind of exchange where people can come in
22 and talk about their trapline or their cottage or
23 whatever that's valuable notwithstanding your comment
24 that something else may be needed as well?

25 A. It has some value, yes. It might be

1 interesting for someone to provide for this Board the
2 average attendance at information sessions at any
3 district district, especially at a time when there is
4 no specific contentious issue.

5 Q. Would the kind -- I'm going to put to
6 you some types of information and I'm just going to ask
7 you if you think that's the sort of thing that you
8 think might be useful to people given the context of
9 your remarks.

10 Do you think that some kind of an
11 overview of timber management planning in the district
12 would be helpful, and I am thinking there of some
13 historical context?

14 A. It can't hurt.

15 Q. And do you think people -- it would
16 help people if they had a summary of the public
17 consultation process that was going to be involved in
18 developing the timber management plan?

19 A. I believe that's already available,
20 as is the timber management planning process I think.

21 Q. And do you think it would be helpful
22 if there was some kind of information on the types of
23 problems and issues that are expected to arise in the
24 development of the particular plan?

25 A. If those can be predicted, sure.

1 Q. So to the extent that they are
2 already known or anticipated?

3 A. Yes. How do you feel about a bridge
4 across the Mississagi Waterways Park, is that what you
5 mean?

6 Q. Yes.

7 A. How do you feel about logging in this
8 area close to Matinenda's cottages or something
9 specific?

10 Q. Yes.

11 A. Yes, otherwise there may be a lot of
12 people walk in there that won't know that that's
13 actually even an issue, they may not even figure out
14 that there is cutting going on near their cottages or
15 something. Sure.

16 Q. And you would agree that that
17 couldn't be comprehensive information at that stage
18 because more issues might arise?

19 A. It may not include all the issues, it
20 depends on the individual I'm visiting, I suppose. I
21 suppose some people may find it satisfactory to have
22 sort of a summary overview of what's going on, but
23 that's certainly not sufficient if there are, you know,
24 specific issues that they might be concerned about and
25 they can't find out about in a sort of overview summary

1 thing. So I don't know.

2 Q. In that situation, would it be
3 helpful for them to have the opportunity to talk to
4 somebody directly about their specific issues?

5 A. Well, yes, but that opportunity is
6 there. The point is, half the time they don't even
7 know the issue is an issue until three years later when
8 the cut happens.

9 MADAM CHAIR: Ms. Blastorah, how much
10 longer will you be?

11 MS. BLASTORAH: Well, I'm hoping to move
12 through this quickly. I hadn't expected to be this
13 long. Unfortunately, a lot of questions that I hadn't
14 really planned came up at the beginning.

15 MADAM CHAIR: You will be at least
16 another half hour.

17 MS. BLASTORAH: At the very outside. I
18 think perhaps another 20 minutes or so. It depends
19 partly on the answers, obviously. I can attempt to
20 move through this quite quickly. I will try and move
21 along. I certainly don't want to alleviate Mr.
22 Robinson's answers, that's my concern..

23 MADAM CHAIR: That's the feeling of the
24 Board.

25 Mr. Robinson, were you planning on

1 staying over for tomorrow?

2 THE WITNESS: I have a flight booked for
3 seven o'clock. If you -- I mean, for a difference of
4 ten minutes I would rather get it over with tonight,
5 but if it is a matter of several hours, then I
6 certainly can stay tomorrow if absolutely necessary,
7 but it's a bit -- more than a bit inconvenient. I have
8 classes tomorrow...

9 MADAM CHAIR: All right. Then we will
10 have to --

11 MS. BLASTORAH: If it is of any help, I
12 think I have about six planned questions.

13 MADAM CHAIR: All right. Let's finish it
14 now and the scoping session will be starting later than
15 we thought, probably closer to 4:30. Sorry to
16 everybody who showed up for that for the inconvenience.

17 MS. BLASTORAH: If it is of any
18 assistance, I am perfectly willing to stay until after
19 the scoping if that still allows Mr. Robinson time to
20 catch his flight. I don't know how long the scoping
21 session will be.

22 MADAM CHAIR: Let's go ahead, Ms.
23 Blastorah, and finish off.

24 MS. BLASTORAH: I will try and move
25 through this quickly the, Mr. Robinson.?

1 THE WITNESS: I will try and control my
2 verbosity.

3 MS. BLASTORAH: Please feel free to
4 answer however you wish.

5 Q. I was just going through some
6 addition initial items trying to identify the kinds of
7 information that you thought would be helpful to you
8 and members of the district advisory committee and so
9 on.

10 Do you think information on the types of
11 strategies and objectives and so on, strategies to
12 achieve -- well, maybe I should put that the other way
13 around. Do you think it would be helpful to the public
14 if they at least knew at the outset what some of the
15 objectives were going to be that the Ministry is hoping
16 would be achieved through the development of this plan,
17 broadly stated?

18 A. It's not going to hurt. I'm not
19 going to suggest that that's going to solve your
20 problems with forest management in Ontario, but it
21 can't hurt.

22 Q. And some kind of, at least,
23 preliminary strategies that the Ministry anticipates
24 will be used to achieve those objectives, would that be
25 helpful information?

1 A. Sorry, I'm losing my focus here. Say
2 that one again

3 Q. I am trying to get a sense of the
4 kind of information that you think would be helpful and
5 I am suggesting that if the Ministry were to advise in
6 some kind of preliminary way what objectives they
7 foresee the plan is intended to achieve and how they
8 intend the plan to do that?

9 A. Maybe more important than what
10 information they should provide is trying to come up
11 with a better way of getting the public involved.

12 I mean, you can have all the information
13 in the world and if you are still getting the same 25
14 people that go to the same informing sessions every
15 five years, you haven't achieved a whole lot more. I
16 mean, it helps. It's not going to hurt, but...

17 Q. Okay. Thank you. I would like to
18 just turn briefly to your Appendix B, if I could.

19 A. Yes.

20 Q. Now, you referred during your direct
21 examination to a comment here by Mr. Lannin and the
22 sentence I think you referred to was in the second
23 paragraph. The sentence which reads:

24 "The size will vary..." and we are
25 talking here I think about cut size.

1 "The size will vary due to timber type
2 and usage of the area by moose."

3 Do you recall that discussion?

4 A. Yes.

5 Q. I just wanted to clarify one thing.
6 Is it your understanding that the Moose Habitat
7 Guidelines do not apply where there is no identified
8 usage by moose?

9 A. No. I'm suggesting that -- take
10 Section 38, which is in the hunting regulations, they
11 issue moose tags, you know, and they have all
12 different -- you know, you can get a tag for area 38 or
13 area 37 or whatever.

14 I mean, presumably there is moose
15 somewhere in area 38 if they are issuing moose tag for
16 it. Now, if there happens to be an area that last
17 winter's moose count showed there was no moose in, my
18 understanding is that you still manage that area for
19 mooses because in general that area, most of northern
20 Ontario, comes under the Moose Habitat Guidelines
21 because in general they are moose around.

22 My understanding from what Mr. Lannin
23 said here is that he perhaps doesn't understand that
24 concept and he may feel that the Moose Habitat
25 Guidelines may or may not be applicable.

1 Q. I just wanted to clarify your
2 understanding.

3 A. My understanding is that the
4 guideline applies even if there are no moose because
5 you have to deal with the other species.

6 Q. So your comment was that you thought
7 Mr. Lannin was of a different opinion?

8 A. Yes. I felt from conversations at
9 the advisory committee meeting and from this letter
10 that he was at times perhaps confused on the moose
11 habitat featured species concept.

12 Q. Thank you.

13 A. As are perhaps a few others.

14 Q. One other matter. You indicated that
15 you had some concern about what understood to be the,
16 if I can put it this way, the 30 per cent of the
17 species that you were advised were not really covered,
18 I think was the way you put it.

19 I understood that that was in reference
20 to the application of the Moose Habitat Guidelines?

21 A. Well, any particular habitat
22 guideline, whether it's moose, fur bearing or deer or
23 whatever. The concept is that the 30 per cent not
24 covered by whichever featured species guideline you are
25 using will be covered by specific inventorying of their

1 habitat and where they are and so on, site-specific
2 allowances for them.

3 I guess my charge is that I'm not
4 convinced that the inventorying is adequate to provide
5 for that.

6 Q. I was just wondering whether you were
7 aware of the fact that the Ministry gave evidence
8 before the Board that in relation to that other
9 wildlife component studies will be undertake to assess
10 the efficacy of the timber management practices other
11 than those described in the timber management guideline
12 for the provisions of moose habitat in providing
13 habitat for those other wildlife species. Were you
14 aware of that?

15 A. I don't think so. Read it to me
16 again.

17 Q. Perhaps I will read it a little more
18 slowly. The Ministry gave evidence before this Board
19 that studies will be undertaken--

20 A. Will be undertaken.

21 Q. This is actually out of the terms and
22 conditions. This is something that has been proposed
23 by the Ministry.

24 --to assess the efficacy of timber
25 management practices other than those described in the

1 timber management guidelines for the provision of moose
2 habitat, the moose guidelines, in providing habitat for
3 other wildlife species.

4 I just wondered if you were aware that
5 that had been --

6 A. I'm not and I don't understand the
7 point.

8 Q. I'm just trying to put your comments
9 in context, that's all. I just wondered if you were
10 aware of it, it's as simple as that.

11 A. Why is it a will to be doing that?

12 Q. I am just suggesting that that's what
13 the terms and conditions proposed are.

14 A. Okay. So they are going to do that,
15 although the featured species concept has been in place
16 for how long? Three years any way, I think. Okay. I
17 wasn't aware of that, no.

18 Q. One matter I wanted to clarify is
19 that you showed quite a few pictures. Your first
20 series of pictures, if I can call it that, the first
21 slides that you showed, that were of -- well, the
22 clearcut, it has been marked as a blow-up here in
23 Schulman Township and I think a lot of those
24 photographs related to that cut.

25 A. Yes.

1 Q. I just wanted to clarify that that
2 cut took place - I think you indicated, but I'm not
3 sure you indicated in your evidence - that cut took
4 place roughly between the period 1980 up to 1990?

5 A. My understanding is, yes, that it
6 must -- I thought it was between '85 and '90, but I
7 realize that the trespass charge that was laid was laid
8 '84, so some of it must have been cut under the '80 to
9 '85 TMP.

10 I don't know when the cutting actually
11 started, so it was at least over a five-year period, if
12 not longer, yes. Certainly over a six-year period.
13 Where the trespass charge was laid would have been in
14 the early stages of that cut. That was in '84.

15 Q. Thank you. One another matter that
16 you indicated or discussed briefly in your
17 evidence-in-chief was the Mississagi bridge proposal
18 which was originally in the timber management plan.

19 First of all, I would just like to
20 clarify, is it your understanding that that proposal
21 was removed from the timber management plan and is, in
22 fact, not in the final timber management plan?

23 A. It is not in the timber management
24 plan for 1990-95 unless an amendment is called for by
25 some party, which is still conceivable.

1 It is, I understand, still one of three
2 options that are open to the Ministry over the 20-year
3 plan. In other words, at the end of five years the
4 proposal can vary easily be resurrected, and say: Now
5 we need the bridge for sure.

6 Q. And if it were to be resurrected that
7 would be in another timber management planning process?

8 A. That's right.

9 Q. So there would be another opportunity
10 for public input at that time?

11 A. That's right.

12 Q. Thank you.

13 A. That means then that an entire
14 process that may have been gone through once has to go
15 through all over again--

16 Q. I think another concern --

17 A. --at great expense and concern to the
18 public and which may even escape the public's notice if
19 they happen to miss the information session.

20 Q. I think, in fact, another concern
21 that you raised - you mentioned the information
22 centre - with that proposal was that you were concerned
23 because it was your understanding that if that proposal
24 had gone through, it hasn't but if it had gone through,
25 that that would result in an amendment to the District

1 Land Use Guideline?

2 A. Yes.

3 Q. Am I correct that your concern with
4 that was that there would not have been public input to
5 that amendment?

6 A. No, my concern was a concern about
7 attitude. My concern is that, again, it's a guideline
8 that states something for a reason and just to sort of
9 go: Well, we'll just get it changed -- I mean, there
10 must have been some reason for having that in the DLUG
11 in the first place. It is just an attitude thing, is
12 really what I was complaining about.

13 Q. I see. The fact that there wouldn't
14 have been separate public input is not your concern
15 because --

16 A. No, no.

17 Q. You would agree with me there would
18 have been public input during the timber management
19 plan?

20 A. Oh, sure. You're darn right there
21 would have been.

22 Q. Okay.

23 A. There would have been a lot of public
24 input if I had anything to do with it , but it just
25 surprised me the attitude that, you know, guidelines

1 are there to be amended. No big deal.

2 MS. BLASTORAH: I'm sorry. I am trying
3 to cut out a few questions, Mrs. Koven, if you would
4 just bear with me. I think a few of the things you may
5 have already touched on, so I'm trying to cut them out.
6 I think I can shorten it down and I will just one final
7 question, I think.

8 Q. Am I correct that it was your sense
9 that the timber management planning process was quite
10 complex? I think you commented there was a lot of
11 information to review--

12 A. Yes.

13 Q. --and very complex. Would you agree
14 it would be difficult for an individual -- and I think
15 you may have touched on this when you said that you
16 have a full-time job and you obviously can't spend all
17 your time doing this.

18 It would be very difficult for a member
19 of the general public or, in fact, a member of an
20 advisory committee to deal with that level of
21 information? It's a complex task, if I can put it that
22 way?

23 A. Yes, it is. It is a complex task and
24 it would be difficult to deal with that amount of
25 information.

1 On the other hand, the Ministry of
2 Natural Resources' personnel are trying to do a job and
3 trying very hard given the system and the restrictions
4 and the things that they have to deal with. Given all
5 that and their full-time concentration on that, we're
6 still finding that, as far as I'm concerned, it's not
7 working.

8 So in spite of the fact that, yes, it
9 would be very difficult, it is very difficult and there
10 is a lot of information. There are concerned people
11 who are willing to try as best they can. Hopefully
12 through this process and other processes perhaps things
13 will change and the management of the forest resources
14 as a forest will improve to the point where it wouldn't
15 require me or others to spend that much time.

16 Q. But I assume you would agree that
17 public input would always be important?

18 A. Oh, yes. Perhaps it goes hand in
19 hand with an expansion of the concept Mr. Martel
20 mentioned of some statistics, too. Maybe there should
21 be more measurement of how are we doing in terms that
22 the public can cope with.

23 Q. If an attempt were made in preparing
24 the same plan -- let me back up a bit and try and make
25 this a few questions rather than one big one.

1 You talked about the district advisory
2 committee that you are on and your experience with that
3 and you indicated that your committee was being asked
4 to look at more than just the timber management plan?

5 A. Not at the same time.

6 Q. No at the same time.

7 A. Well, that's my anticipation. That's
8 the intent that was expressed by the DM.

9 Q. Would you agree that the addition of
10 more information to the experience you have just gone
11 through; for instance, the addition of developing
12 fisheries management plans and wildlife management
13 plans and all of those things at the same in the same
14 plan would make the task that we have just been
15 discussing even more complex?

16 A. Not necessarily because the timber
17 management plan should touch on all of those areas. It
18 does touch on them. It impacts on all of those areas.

19 So although in some ways it would appear
20 to increase the volume of work and the complexity of
21 the situation, that's true in a sense, but on the other
22 hand there's a lot of redundancy involved in that you
23 are dealing with the same information.

24 So if we are doing the timber management
25 plan alone and we are trying to dealt with tourism

1 values, which we do - you know, we have NOTOA
2 representative on our group - we are trying to deal
3 with those, and yet because we are not always dealing
4 with the tourism management plan, perhaps it would be
5 easier if we had that plan going at the same time we
6 had more information about that.

7 Do you know what I'm getting at? You
8 deal with the timber management plan in isolation, make
9 allowance for tourism and yet, after that's all done,
10 then you try and make tourism management decisions
11 about or recommendations and then you have got
12 something that is perhaps infrequent, I believe, an
13 already established TMP.

14 So to do them altogether, to me maybe it
15 is more complex, but it makes sense because everything
16 you do in the timber management is going to impact on
17 those other things. I haven't gone through that
18 process of doing all those other things, so that's just
19 a guess.

20 MS. BLASTORAH: I think those are my
21 questions, Madam Chair.

22 MADAM CHAIR: Thank you, Ms. Blastorah.
23 What do you want us to do with the
24 interrogatories?

25 MS. BLASTORAH: I just went ahead and

1 didn't ask you to file these.

2 If we could file these two documents.

3 Firstly, a package of interrogatories and the numbers
4 are Ministry of Natural Resources interrogatories 1, 2,
5 4, and 7 and the other document I actually didn't refer
6 to the witness and perhaps I should just do that.

7 Mr. Robinson, I had provided you on the
8 break with a document, this document with the trees on
9 the front. This is a package of information of the
10 type we were discussing during my questions to you and
11 are you aware whether or not this was available at the
12 information centre held in Blind River?

13 A. At the information session I went to
14 parts of this I've received. It was not -- I didn't
15 get it as a package in any case. I received the
16 overview of timber management planning, public
17 consultation opportunities, the map. I do not recall
18 receiving the tentative dates, although I may have.

19 I did fill out several public information
20 centre comment sheets. I do not recall receiving or
21 seeing the Peshu Lake Crown Management Unit proposed
22 timber management objectives which has some interesting
23 information as in annual volume targets. It may be
24 that it was there and I didn't pick it up. I don't
25 know. I remember them having bar graphs and things

1 illustrating the proposed volumes and stuff like that,
2 but I don't remember seeing that.

3 MADAM CHAIR: The interrogatory package
4 will be Exhibit 1481, and the Blind River District
5 timber management planning material for 1990-2010 will
6 be Exhibit 1482.

7 ---EXHIBIT NO. 1481: MNR's interrogatory question Nos.
8 1, 2, 4, and 7.

9 ---EXHIBIT NO. 1482: Blind River District timber
10 management planning material for
11 1990-2010.

12 MS. BLASTORAH: Thank you.

13 Thank you, Mr. Robinson.

14 THE WITNESS: Thank you.

15 MADAM CHAIR: Thank you very much, Mr.
16 Robinson.

17 THE WITNESS: Thank you for listening
18 for so long.

19 MADAM CHAIR: Thank you for coming.

20 MR. LINDGREN: I have no questions, Madam
21 Chair.

22 MADAM CHAIR: No questions, Mr. Lindgren.
23 All right then, you are excused, Mr.
24 Robinson.

25 THE WITNESS: Thank you very much. It's
like back in school.

1 --- (witness withdraws)

2 MADAM CHAIR: Is everybody here?

3 MS. SWENARCHUK: I will just retrieve my
4 client, Madam Chair. Proceed.

5 MADAM CHAIR: All right. We are here to
6 go through the scoping exercise for Forests for
7 Tomorrow's Panel 3 and there are two witness
8 statements, as you know, by the same person, Mr. George
9 Marek.

10 The Board has a few brief comments to
11 make about this evidence and I will go through our
12 comments very quickly before he hear from the other
13 parties.

14 First of all, the Board wishes to know if
15 Mr. Marek, if his recommendation of small area clearcut
16 management is meant to apply to all species in all
17 areas of the undertaking or is it specifically about
18 black spruce in the Nipigon District and the Clay Belt
19 areas? That's the first issue we want Mr. Marek to
20 elaborate on.

21 The second point --

22 MS. SWENARCHUK: If you could just wait
23 one second while I get that down.

24 MADAM CHAIR: Sorry.

25 MS. SWENARCHUK: So it's as between

1 whether the recommendations apply to smaller -- to all
2 species in areas or just black spruce in the Nipigon
3 District?

4 MADAM CHAIR: Yes.

5 MS. CRONK: Sorry, did you say the Clay
6 Belt?

7 MADAM CHAIR: And the Clay Belt. He
8 refers to Lake Nipigon and the Clay Belt area with
9 respect to black spruce.

10 Mr. Marek appears to be pessimistic about
11 the success of the second growth forest. Is his
12 pessimism again focused on this area around Lake
13 Nipigon or is he referring to the second growth forest
14 in the entire area of the undertaking.

15 With respect to Mr. Marek's proposal for
16 small clearcut management, is he recommending as an
17 adjunct of that proposal that the government increase
18 road funding, in fact, to promote or facilitate small
19 clearcuts.

20 And a question leading from that is, if
21 this is something he would agree with or is
22 recommending, would he say that this money that would
23 go into increased road funding and small clearcuts mean
24 that less money overall would have to be spent on
25 artificial regeneration and other silvicultural

1 operations that would not be perhaps required to the
2 same extent if small clearcuts were the primary means
3 of harvest.

4 Our fourth comment has to do with, Mr.
5 Marek makes a few comments about the timber management
6 planning process, although that certainly isn't the
7 prime topic of his evidence, and he had one question:
8 Is he proposing the abolition of open houses. He makes
9 some comment about open houses and we are not clear
10 whether he is saying it is a system that you should
11 simply throw out or whether he thinks there is some
12 benefit to it.

13 Mr. Marek refers to problems of seedling
14 quality. The evidence before the Board is that
15 seedling quality has improved and we would like to hear
16 his opinion on that. How does he explain this
17 conclusion with respect to the recent evidence that the
18 Board has received.

19 MS. SWENARCHUK: Could you fresh my
20 memory as to exactly what evidence you are referring to
21 there, Madam Chair.

22 MADAM CHAIR: We've heard chunks of
23 different evidence from the OFIA case - I don't have
24 specific page numbers - from satellite hearings where
25 we have had people from various locations talk about

1 improved seedling quality, Timmins and Hearst
2 specifically, and in OFIA evidence I would have to --
3 you will have to go and look up the references.

4 Our next comment has to do with whether
5 Mr. Marek's evidence, is he able to tell the Board what
6 parts of his evidence specifically are supporting
7 Forests for Tomorrow's terms and conditions with
8 respect to the specific size and species for
9 clearcutting. We would like to know how much of Mr.
10 Marek's evidence has been used to support the
11 particulars of your terms and conditions with respect
12 to clearcuts size for certain species in certain
13 conditions.

14 MS. SWENARCHUK: I think I understand the
15 sense of that question. I'm not sure I exactly
16 understand the wording.

17 MADAM CHAIR: In respect of one of your
18 terms and conditions with respect to 100 hectare
19 clearcut limit on jack pine--

20 MS. SWENARCHUK: Yes.

21 MADAM CHAIR: --does that come from Mr.
22 Marek's evidence.

23 MS. SWENARCHUK: I will be reviewing
24 those prescriptions with him, yes.

25 MADAM CHAIR: All right. Thank you.

1 The next point has to do with, the Board
2 is interested in Mr. Marek's proposals for managing
3 aspen competition and we are not sure if we understand
4 clearly what he is recommending with respect to small
5 clearcut size and natural regeneration being effective
6 in aspen control.

7 Our final item had to do with a
8 clarification of the term that he uses, biological
9 stability. He uses it in a few places. One I think is
10 on -- which witness statement? I think it is for the
11 Beardmore Society on (xii), item 6 and it appears
12 elsewhere as well. Not for the Beardmore group, it's
13 for Forests for Tomorrow, (xii), item 6.

14 Those are the comments that the Board has
15 about certain things they would like Mr. Marek to
16 address and clarify.

17 MS. SWENARCHUK: Thank you.

18 MADAM CHAIR: Do you have any questions,
19 Ms. Swenarchuk, of the other parties with respect to
20 their statements of issue?

21 MS. SWENARCHUK: The only question I had,
22 and I partially cleared this up with Ms. Murphy, was
23 that the Ministry of Natural Resources referred to
24 these panels as witness statement 3 and Forests for
25 Tomorrow Panel 3A, and I don't want to reiterate again

1 the obvious problem here, that the Beardmore/Lake
2 Nipigon statement is not part of Forests for Tomorrow's
3 case.

4 That was partially cleared up in a letter
5 she sent me subsequent to this, except that she
6 continues -- or the statement of issues continues to,
7 with respect to further oral explanation requested, ask
8 about specific draft terms and conditions submitted by
9 Forests for Tomorrow supported by this witness
10 statement and also cost estimates.

11 I want to quite clear that I will not be
12 asking Mr. Marek with respect to that witness statement
13 to in any way relate that witness statement to Forests
14 for Tomorrow's terms and conditions.

15 MADAM CHAIR: Mr. Freidin, you are
16 shaking your head.

17 MR. FREIDIN: Well, I'm shaking my head
18 because I said why not.

19 It seems to me that Forests for Tomorrow
20 are calling evidence to support their terms and
21 conditions, and if Mr. Marek's evidence is relevant, it
22 must be relevant for the purposes at the end of hearing
23 to say Mr. Marek's evidence in some way supports the
24 position of Forests for Tomorrow as set forth in their
25 terms and conditions.

1 Whether the question is put specifically
2 the way Ms. Swenarchuk's puts it, I think it is
3 incumbent on her to make it clear through the evidence,
4 I think perhaps apropos of one of the questions that
5 you indicated interested in, and that is what terms and
6 conditions is Mr. Marek's evidence purport to support.

7 MADAM CHAIR: I don't think Ms.
8 Swenarchuk is disputing that, Mr. Freidin.

9 My understanding and our last ruling on
10 the matter is that we don't want Mr. Marek standing up
11 for the Beardmore Society having to explain about terms
12 and conditions.

13 MR. FREIDIN: Oh, the Beardmore.

14 MS. SWENARCHUK: Yes, that is the
15 problem --

16 MR. FREIDIN: I'm sorry.

17 MADAM CHAIR: Ms. Swenarchuk will be
18 leading Mr. Marek through evidence for her case and not
19 the Beardmore case, and we said in our ruling we didn't
20 want that to be done with the Beardmore statement and
21 we also saw the questions and we assume Ms. Swenarchuk
22 would --

23 MR. FREIDIN: Sorry.

24 MS. SWENARCHUK: Yes. Just to be clear,
25 and this has been discussed before the Board before, I

1 propose to lead Mr. Marek through Forests for
2 Tomorrow's evidence first and then immediately after
3 through the evidence being submitted, not for Forests
4 for Tomorrow, but for the Beardmore/Lake Nipigon
5 Watchdog Society and cross-examination would proceed
6 after that.

7 MADAM CHAIR: Do any of the parties have
8 anything they wish to add to their written statements
9 of issue?

10 Mr. Hanna?

11 MR. HANNA: (no response)

12 MADAM CHAIR: No. You don't have to say
13 anything, I am just doing a quick --

14 MR. HANNA: I am shaking my head,
15 Marilyn.

16 MADAM CHAIR: Good.

17 Mr. Freidin.

18 MR. FREIDIN: I think this is probably
19 the appropriate place to raise this. There are a
20 number of interrogatories where the answer was "answer
21 to come". I was just wondering whether we had some
22 indication as to when we will obtain the particulars of
23 the photographs, the many photographs which have been
24 put in.

25 We had asked for the exact location of

1 the photograph, the date of the photograph and the
2 portion of the witness statement which refers to the
3 photographs, and we are just anxious to follow -- we
4 are drawing very close to the preparation of that panel
5 and with the number of photographs we need that
6 information as soon as possible.

7 I am wondering whether Ms. Swenarchuk can
8 indicate when we will get that information.

9 MADAM CHAIR: Ms. Swenarchuk.

10 MS. SWENARCHUK: Hopefully tomorrow. The
11 list has been reworked and is being, I think, revised
12 at this moment.

13 Now, with respect to what portion of the
14 witness statement the photographs pertain to, I think
15 the headings in the photograph list make that clear.

16 With respect to dates on which the
17 photographs have been taken, where that wasn't provided
18 before it will be provided now.

19 With respect to exact locations, we are
20 providing the locations to the extent the witness is
21 able to do, and the parties may not be satisfied with
22 that degree of explanation, but it's as much as the
23 witness' memory allows us to provide.

24 As the Board will hear, he toured large
25 areas to produce this report and the FMA areas will be

1 identified with regard to each picture. In many
2 slides, he is not able to be more exact than that, but
3 the other parties will have as much as we have, I
4 think, tomorrow.

5 MADAM CHAIR: Mr. Freidin?

6 MR. FREIDIN: Well, I guess I have my
7 answer. My concern was that the only description we
8 did have of some pictures was that it was on a
9 management unit and they gave the name which, in terms
10 of trying to pinpoint and focus the cross-examination,
11 makes it very difficult, but if that's the best that
12 can be provided, I guess that's the situation.

13 There are a number of questions which
14 were, in my view, not responded to, but I think I will
15 take that up with Ms. Swenarchuk separately. I have
16 some concern when that happens. Again, it is difficult
17 for me to focus my cross-examination and save time.

18 I have no other submissions.

19 MADAM CHAIR: Thank you, Mr. Freidin.

20 Ms. Cronk?

21 MS. CRONK: Madam Chair, Mr. Martel, it
22 is nice to see the Board again, if I might be permitted
23 to say that.

24 One hesitates to reattend the hearing of
25 this kind after some absence and rise to a problem, but

1 if I might.

2 MADAM CHAIR: We call it a vacation, Ms.

3 Cronk--

4 MS. CRONK: I was hesitant --

5 MADAM CHAIR: --not an absence.

6 MS. CRONK: For a while it was.

7 I rise for two reasons. The first
8 relates to a matter that arises out of the Geraldton
9 satellite hearing and the issue of cross-examination of
10 Mr. Marek relating to certain of the evidence received
11 by the Board then.

12 You will recall that a number of slides
13 were presented to the Board and an undertaking was
14 given by the witnesses to produce subsequently for the
15 Board a copy of those slides. Our office has, and no
16 doubt others, have been in continual, from Mr. Pascoe's
17 point of view, communication.

18 MR. MARTEL: I think Mr. Pascoe indicated
19 they were on their way.

20 MS. CRONK: Yes, that's why I am rising.
21 Mr. Pascoe has been extremely cooperative in dealing
22 with the parties to try and get the parties involved to
23 try to get us a copy of those slides, and the latest
24 information, I understand from Mr. Cassidy, is that Mr.
25 Pascoe has been successful in reaching them and being

1 told that they are on their way.

2 I hope and trust that is the case, but I
3 rise only to alert the Board to the difficulty we will
4 have should they not be here in sufficient time for us
5 to copy them and consider them for our
6 cross-examination of Mr. Marek.

7 So the point is informational only for
8 the Board at this point. As I say, Mr. Pascoe has been
9 very generous with his time to try to resolve the
10 problem and the information we now have is that they
11 are on route. The parties are going to have to copy
12 them and consider them to deal with them through Mr.
13 Marek. So that's really the first point, is
14 informational only.

15 The second arises with respect to the
16 estimated length of timing of cross-examination of this
17 witness, certainly on behalf of our clients, and I
18 obviously speak only for them. The difficulty is this,
19 and I don't propose, unless the Board or others wish me
20 to, to get into great detail about it tonight, but
21 there were a series of interrogatories submitted for
22 response by this witness that had to do with requests
23 for specific particulars in support of some of the
24 allegations made.

25 That is because, Madam Chair and Mr.

1 Martel, if you have reviewed Panel 3, for example, and
2 the Beardmore statment, there are some specific
3 allegations made with respect to the conduct of
4 Industry and practices of Industry that cause
5 considerable concern to our clients. Our clients
6 perceive them to be inaccurate and they wish to know
7 the specific basis upon which those opinions are being
8 proffered to the Board.

9 We, therefore, asked for specific
10 particulars and in the interrogatory responses which I
11 have to date received, those received last Friday and
12 again Monday of this week, in many instances full
13 particulars were not provided. Now, it may be that Mr.
14 Marek is unable to or that further particulars aren't
15 intended to be provided. I don't know that know yet.

16 I point this out as an information item
17 to the Board because it is quite clearly going to
18 lengthen the time that I would otherwise devote to
19 cross-examination because my obligation on behalf of
20 our clients is to ensure that the foundation of any or
21 some some of those statement is squarely put before
22 this Board so that we can deal with it and respond to
23 it. I don't have it in advance, so I'm afraid I am
24 going to be longer in cross than I would have hoped.

25 I rise simply to point that out and it

1 may be that some of that information will yet be
2 forthcoming. I don't know.

3 MADAM CHAIR: How long will you in
4 cross-examination?

5 MS. CRONK: A minimum of two days as I
6 stan here tonight. If that information is forthcoming
7 and sufficient particulars are provided that I could get
8 instructions and response from the various corporate
9 clients that we represent in advance of cross, it will
10 be much less than that.

11 MADAM CHAIR: And you are discussing this
12 with Ms. Swenarchuk?

13 MS. CRONK: Yes, I will.

14 MADAM CHAIR: Mr. Freidin, how long are
15 you going to be?

16 MR. FREIDIN: (indicating two)

17 MADAM CHAIR: Two days.

18 Ms. Seaborn?

19 MS. SEABORN: One day, Madam Chair.

20 MADAM CHAIR: Mr. Hanna.

21 MR. HANNA: Madam Chair, I had attempted
22 with this particular panel to try and save as much
23 hearing time as possible through submitting a series of
24 interrogatories that were intended to try and
25 construtively understand the evidence that the witness

1 was putting forward.

2 I am not sure why the responses were
3 given the way they were, but in many cases the
4 responses to the interrogatories were not sufficient
5 for me to understand the basis for the opinions brought
6 forward and that is unfortunate because it will require
7 more time in cross-examination and more hearing time,
8 more valuable hearing time.

9 I also have another problem and I simply
10 raise this with the Board at the present time. As you
11 know, I have other commitments bearing upon my time and
12 I may well be in the witness stand from the start of
13 next week for two or three weeks, and if I am in the
14 box I will not, obviously, be able to come and
15 cross-examine. Under that circumstance, I will have no
16 choice but otherwise to forfeit our opportunity.

17 If the circumstances are not that I am
18 otherwise committed, I expect the cross-examination
19 will take a day.

20 MADAM CHAIR: Thank you, Mr. Hanna.

21 MR. FREIDIN: Are you still looking at
22 two to three days in-chief?

23 MS. SWENARCHUK: Yes.

24 MR. MARTEL: How many days?

25 MS. SWENARCHUK! Two to three days

1 in-chief.

2 MS. CRONK: Madam Chair, just if I might
3 on the point that I raised and it has now been alluded
4 to by Mr. Hanna.

5 Internally among the legal team for the
6 OFIA/OLMA, we have discussed some potential remedies to
7 the problem that we perceive we have. Simply put, the
8 problem is this: We do not perceive that some of the
9 responses that have been provided to the
10 interrogatories are as full and complete as is
11 necessary to permit proper and adequate response,
12 investigation and then cross-examination.

13 I say that without criticism. I'm aware
14 of what time constraints can do and limited funding,
15 but accepting all of that, the fact is the information
16 is not adequate for the purposes of going to our
17 clients and saying, what are the facts about this.

18 We have considered the delivery of
19 supplementary interrogatories, but we are four days
20 away from the commencement of this witness'
21 evidence-in-chief and I don't know how realistic it is
22 to expect or to even impose upon Ms. Swenarchuk the
23 obligation to deal with the witness when he is in the
24 course of giving evidence-in-chief, we are only days
25 away from it, of dealing with the whole issue of

1 supplementary interrogatories. That's one way to go
2 about it.

3 The only other way to go about it is to
4 pursue it in cross-examination and that's really what I
5 was putting before the Board.

6 We can do either, we can do both. I just
7 don't think it is terribly meaningful to now submit
8 supplementary interrogatories given that Ms. Swenarchuk
9 doesn't have a lot of time left between -- and she is
10 otherwise occupied with other witnesses. So that's the
11 problem.

12 MS. SWENARCHUK: What I would suggest,
13 Madam Chair, Mr. Martel - I'm hearing this for the
14 first time, that it's certainly our wish, as everyone
15 else's, to shorten the hearing time as much possible, -
16 is that if the parties would give us an indication of
17 the questions on which they wish further explanation as
18 quickly as possible, I can certainly discuss it with
19 the witness and attempt to come up with some way of
20 resolving the problem.

21 If it's not possible, it's not possible,
22 but we are certainly willing to try.

23 MS. CRONK: I would certainly be glad to
24 do that for the responses we have to date received and
25 I will.

1 MR. HANNA: Madam Chair, I will also do
2 the same and I will provide that to Ms. Swenarchuk
3 tomorrow.

4 MADAM CHAIR: All right. Thank you.
5 If all the parties could do that, maybe -- well, I
6 always hesitate to say anything productive comes out of
7 attempts to shorten the hearing, but maybe something
8 can be done about it.

9 MS. SWENARCHUK: We will do our best.

10 MADAM CHAIR: Is there anything else
11 about this particular witness or evidence that we
12 should cover in this session?.

13 Ms. Cronk?

14 MS. CRONK: Could I just ask for
15 confirmation of when it is anticipated this evidence
16 will begin.

17 MADAM CHAIR: Well, it looks like --
18 Mr. Lindgren?

19 MR. LINDGREN: My best estimate as to the
20 commencement of Mr. Marek's evidence is that he will
21 likely commence on Wednesday, October 31st.

22 MADAM CHAIR: Next Wednesday.

23 MR. LINDGREN: That's correct.

24 MADAM CHAIR: You have how many...

25 MR. LINDGREN: We have lay witness

1 scheduled for tomorrow and I can fairly say --

2 MADAM CHAIR: Back on Monday?

3 MR. LINDGREN: No.

4 MADAM CHAIR: Finish tomorrow.

5 MR. LINDGREN: We will finish him
6 tomorrow. We have a witness lined up for Monday and a
7 witness lined up for Tuesday. That witness on Tuesday
8 may, I don't know, but may spill into Wednesday, but
9 even if he does, I'm sure that we would be prepared to
10 commence with panel 3 at some point on Wednesday.

11 MADAM CHAIR: All right. So we will
12 begin on October 31st.

13 MS. CRONK: Thank you very much.

14 MADAM CHAIR: And it looks like we will
15 take at least two hearing weeks.

16 MR. FREIDIN: Can I ask Mr. Lindgren how
17 long he expects to be in direct examination?

18 MR. LINDGREN: An hour and a half.

19 MR. FREIDIN: So we might be out of here
20 by noon.

21 MR. LINDGREN: It may be an early day.

22 MR. FREIDIN: I just thought that Mr.
23 Martel would be happy.

24 MR. MARTEL: That would be very helpful.
25 I won't object.

1 MADAM CHAIR: Maybe we will get out early
2 tomorrow, Mr. Freidin.

3 MR. CASSIDY: I just want to rise on one
4 final matter expressing thanks to the reporter for
5 undertaking in future transcripts to refer to me as Mr.
6 Cassidy and not Mr. Castrilli.

7 MADAM CHAIR: One last thing. Can we set
8 the date for scoping Panel 4. We haven't done that
9 yet; have we?

10 MS. SWENARCHUK: Scoping Panel 4?

11 MADAM CHAIR: We haven't done that yet.
12 Do we take Remembrance Day off?

13 MS. SWENARCHUK: It's a government
14 holiday, I believe.

15 MR. MARTEL: I don't think so.

16 MR. CASSIDY: I can't remember.

17 MADAM CHAIR: I can't rememebr.

18 MR. HUFF: You don't need to take it off.

19 MS. SEABORN: We are sitting on the 13th,
20 14th and 15th that week.

21 MADAM CHAIR: 13th, 14th and 15th that
22 week. Oh, good.

23 MR. HANNA: Madam Chair?

24 MADAM CHAIR: Mr. Hanna?

25 MR. HANNA: while you are looking at

1 schedules and whatever - I am sorry to interrupt - I
2 was just wondering if it might be useful for these
3 scoping sessions. It would be helpful for certainly my
4 client to have the interrogatory responses prior to
5 submitting the statement of issues.

6 I think we can submit much better
7 statement of issues if we had the interrogatory
8 responses before we had to submit.

9 Unfortunately, that wasn't the case with
10 this particular session, and if we could get some idea
11 when the interrogatory responses might come, that might
12 also be useful in setting the scoping date.

13 MS. SWENARCHUK: The interrogatories for
14 the session, in fact, were filed -- were couriered to
15 the parties last Friday, Madam Chair.

16 ---Discussion off the record

17 MR. LINDGREN: Madam Chair, I can
18 indicate that the interrogatories for Panel 4 will be
19 finalized probably by the end of this week and will go
20 out at some point next week with the exception of the
21 interrogatories filed by the OFAH because they were
22 received late and they will be answered, of course,
23 late simply because of the unavailability of the
24 witness to answer them.

25 MADAM CHAIR: Why don't we set the

1 deadline for receiving the statements of issue on the
2 7th, and if we scope on the 13th, do you think that
3 will give us enough -- is that cutting it too close?

4 - Do you think we will be finished with Mr.
5 Marek by the 13th of November?

6 MR. CASSIDY: Well, if we operate on the
7 assumption, Madam Chair, that Mr. Marek will be in the
8 box until Wednesday the 14th, it would then be up to
9 Forests for tomorrow to indicate whether or not they
10 feel with one day's notice they can achieve the purpose
11 of the scoping session, or just shorten their evidence-
12 in-chief.

13 MADAM CHAIR: Let's put it up the week
14 ahead. We will set the deadline for receiving
15 statements of issue for November the 5th, which is the
16 Monday, and we will do the scoping exercise on
17 Wednesday the 7th of November.

18 Thank you very much and we will begin
19 tomorrow morning at nine o'clock.

20
21 ---Whereupon the hearing was adjourned at 5:05 p.m., to
22 be reconvened Thursday, October 25th, 1990,
commencing at 9:00 a.m.

